Epiſcopacy

(As Eſtabliſhed by Law in *England*)

Not Prejudicial to

REGAL POVVER.

Written in the time of the Long Parliament by the ſpecial Command of the late

K I N G,

By the Right Reverend Father in God,

Robert Sanderſon,

Late Lord Biſhop of *LINCOLN.*

LONDON,

Printed for *Robert Pawlet,* at the Bible in Chancery Lane near Fleet Street.

1678.

To the moſt High and Mighty

King Charles *the* II.

By the Grace of God King of *Great Britain*, *France*, and *Ireland*, Defender of the Faith, &c.

Moſt gracious and dread Sovereign,

THat *I take the boldneſs humbly to preſent this ſhort Diſcourſe to Your Majeſties Sacred* Hand *and piercing* Eye; *it is upon this* one *and* onely *account, that how mean ſoever the* performance *be, the* undertaking *was in obedience to the command of a moſt Gracious* Maſter, *Your Majeſties* Royal Father, *of Bleſſed Memory. The occaſion this: When the* Army *had gotten the* King *into their own* cuſtody *out of the hands of thoſe that had long holden him in* durance at Holdenby; *to put a* blind *upon the World, they* made a ſhew *of much good towards him, which (as ſoon after appeared) they never* meant *him. Amongſt other the* pompous civilities

wherewith (the better to cloke their hypocriſie*) they entertained him; it was their pleaſure to* vouchſafe *him the Attendance of ſome of his* own Chaplains; *which though it could* merit *little (for ſuch a kindneſs could not* with Juſtice *have been denied to a far* meaner perſon*) was yet a* boon *his former Gaolers thought* too big *for him. In that* Somer Progreſs *(ſuch as it was)* four *of his own naming, with the* Clerk of his Cloſet, *were ſuffered to* wait upon him. *In which time of* waiting, *(which was in* Auguſt 1647*) His Majeſty being then at* Hampton Court, *one day called me to him, and told me he had a* little work *for me to do. Some* about him, *it ſeems, had been often diſcourſing with him about* EPISCOPACY, *as it was* claimed and exerciſed by the Biſhops *within this Realm. Which (whether out of their* good will *to him, or their* no good will *to the Church, I am not able to ſay) they had endeavoured to repreſent unto him, as not a little derogatory to the* REGAL AUTHORITY, *as well in the point of* Supremacy *as of* Prerogative; *in the one, by* claiming the Function as of Divine Right; *in the other, by* exerciſing the Juriſdiction *in their*

their own Names. His Majeſty ſaid further, that he did not believe the Church-Government by Biſhops *as it was by* Law *eſtabliſhed in this Realm, to be in either of the aforeſaid reſpects, or any other way,* prejudicial to his Crown; *and that he was in his own judgment* fully ſatisfied *concerning the ſame; yet ſignified his pleaſure withall, that for the* ſatisfaction of others *I ſhould take theſe two* Objections *into conſideration, and give him an* Anſwer *thereunto in writing. In* obedience *to which His Majeſties* Royal Pleaſure, *after my return home, I forthwith (according to my* bounden duty*) addreſſed my ſelf to the* work; *and was drawing up an* Anſwer *to both the* Objections, *as well as I was able; with a purpoſe to* preſent *the ſame (as ſoon as it ſhould be finiſhed) to* His Majeſty *in writing, upon the firſt offered opportunity. But behold, before I could bring the buſineſs* ad umbilicum, *and quite* finiſh *what was under my hand, the* Scene of Affairs *was ſtrangely changed; the* King *trepann'd into the* Iſle of Wight; *the Mask of* Hypocriſie *by long wearing now grown ſo* thin and uſeleſs, *that it was fit for nothing but to be* thrown by; *no kind of* Impiety and Villany, *but durſt appear*

bare-fac'd *and in the open Sun ; high* Inſolencies *to the contempt of* Authority *every where committed*; Majeſty *it ſelf trampled upon by the* vileſt *of the People ; and the* Hearts *of all loyal honeſt men ſadly oppreſſed with griefs and fears. Yet had the men who* ſteered the Publick *as they liſted (that they might give themſelves the more* recreation, *amuſe the* world *anew, and grace the* black Tragedy *they were acting with the more* variety) *a mind to play* one game *more the next year*, viz. *the* Treaty *at the aforeſaid* Iſle of Wight. *Where as ſoon as I underſtood, that by His Majeſties* nomination *I was to give my* attendance, *I looked out the* old papers *which I had laid aſide a good while before*, made up *what was then left* unfiniſhed, *and took the Copy with me to the* Iſle ; *thinking that when the* Treaty *ſhould be ended, (for whiles it laſted His Majeſty was taken up with other* thoughts *and* debates *of higher concern) I might poſſibly have the opportunity to give His Majeſty an* account *thereof. What became of that* Treaty, *and what after enſued, is ſo well known to the world, that there is no* need, *and withall ſo* ſad, *that it can be no* pleaſure to remember. *But thenceforward were*

were thoſe Papers laid aſide *once again, and deſtined to* perpetual ſilence, *had not a* debate *lately ſtarted, concerning one of the* principal points *therein handled, occaſioned ſome perſons of eminent place and eſteem in the Church,* (*and one of them* conſcious *to the aforeſaid* command *laid upon me by the* late King) *to deſire a ſight of thoſe Papers. Which being by their encouragement now made publick, (though having little other to commend them either to the* World, *but* truth and plainneſs; *or to* Your Majeſty, *but that they had their firſt riſe from his* Command, *whoſe* Throne and Vertues *You inherit*;) *I humbly beſeech* Your Majeſty *graciouſly to accept, together with the Prayers of*

Your Majeſties moſt Loyal Subject,

and Devoted Servant,

London,
Aug. 10. 1641.

ROBERT LINCOLN.

By the King.

A Proclamation, declaring that the Proceedings of His Majesties Ecclesiasti-Courts and Ministers are according to the Laws of the Realm.

WHereas in some of the Libellous Books and Pamphlets lately published, the Most Reverend Fathers in God the Lords Archbishops, and Bishops of this Realm, are said to have usurped upon His Majesties Prerogative Royal, and to have proceeded in the High Commission, and other Ecclesiastical Courts, contrary to the Laws and Statutes of this Realm: It was Ordered by His Majesties High Court of Star Chamber, the twelfth day of June last, that the Opinion of the two Lords Chief Justices, the Lord Chief Baron, and the rest of the Judges and Barons, should be had and certified in those particulars,

lars, viz. Whether Processes may not issue out of the Ecclesiastical Courts in the Name of the Bishops. Whether a Patent under the Great Seal be necessary for the keeping of the Ecclesiastical Courts, and enabling Citations and Suspensions, Excommunications, and other Censures of the Church. And whether Citations ought to be in the Kings Name, and under his Seal of Arms; and the like for Institutions and Inductions to Benefices, and Correction of Ecclesiastical Offences. Whether Bishops, Archbishops, Deacons, and other Ecclesiastical Persons may or ought to keep any Visitation at any time, unless they have express Commission or Patent under the Great Seal of England to do it, and that as His Majesties Visitors onely, and in his Name and Right alone.

Whereupon His Majesties said Judges having taken the same into their serious consideration, did unanimously concur and agree in Opinion, and the first day of July last certified under their Hands as followeth,

That

That Processes may issue out of the Ecclesiastical Courts in the Name of the Bishops; and that a Patent under the Great Seal is not necessary for the keeping of the said Ecclesiastical Courts, or for enabling of Citations, Suspensions, Excommunications, and other Censures of the Church; and that it is not necessary that Summons, Citations, or other Processes Ecclesiastical in the said Courts, or Institutions or Inductions to Benefices, or Correction of Ecclesiastical Offences by Censure in those Courts, be in the Kings Name or with the Style of the King, or under the Kings Seal; or that their Seals of Office have in them the Kings Arms: And that the Statute of Primo Edvardi sexti cap. secundo, which enacted the contrary, is not now in force. And that the Bishops, Archdeacons, and other Ecclesiastical Persons, may keep their Visitations as usually they have done without Commission under the Great Seal of England so to do. Which Opinions and Resolutions being declared under

der the Hands of all His Majesties said Judges, and so certified into his Court of Star Chamber, were there recorded: and it was by the Court further Ordered the fourth day of the said Moneth of July, that the said Certificate should be enrolled in all other His Majesties Courts at Westminster, and in the High Commission, and other Ecclesiastical Courts, for the satisfaction of all men, That the Proceedings in the High Commission and other Ecclesiastical Courts are agreeable to the Laws and Statutes of the Realm.

And His Royal Majesty hath thought fit, with the Advice of his Council, that a publick Declaration of these the Opinions and Resolutions of his Reverend and Learned Judges, being agreeable to the Judgment and Resolutions of former times, should be made known to all his Subjects, as well to vindicate the Legal Proceedings of His Ecclesiastical Courts and Ministers, from the unjust and scandalous Imputation of invading or intrenching on his Roy-

Royal Prerogative, as to settle the minds, and stop the mouths of all unquiet Spirits, that for the future they presume not to censure his Ecclesiastical Courts or Ministers in these their just and warranted Proceedings. And hereof His Majesty admonisheth all his Subjects to take warning, as they shall answer the contrary at their perils.

Given at the Court at *Lyndhurst*, the 18th. day of *August*, in the 13th. year of His Majesties Reign.

God save the King.

Imprinted at *London* by *Robert Barker*, Printer to the Kings most Excellent Majesty, and by the Assigns of *John Bill*, 1637.

Primo Julii, 1637.

The Judges Certificate concerning Eccleſiaſtical Juriſdiction.

May it pleaſe your Lordſhips,

ACcording to your Lordſhips Order made in His Majeſties Court of Star Chamber the twelfth of May *laſt, we have taken conſideration of the Particulars wherein our Opinions are required by the ſaid Order, and we have all agreed:*

That Proceſſes may iſſue out of the Eccleſiaſtical Courts in the name of Biſhops, and that a Patent under the Great Seal is not neceſſary for the keeping of the ſaid Eccleſiaſtical Courts, or for the enabling of Citations, Suſpenſions, Excommunications, or other Cenſures of the Church. And that it is not neceſſary that Summons, Citations, or other Proceſſes Eccleſiaſtical in the ſaid Courts, or Inſtitutions, or Inductions to Benefices, or Correction of Eccleſiaſtical Offences by Cenſure in thoſe Courts, be in the Kings Name,

or with the Style of the King, or under the Kings Seal, or that their Seals of Office have in them the Kings Arms. And that the Statute of Primo Edvardi ſexti cap. 2. *which enacted the contrary, is not now in force.*

We are alſo of Opinion, That the Biſhops, Archdeacons, and other Eccleſiaſtical Perſons, may keep their Viſitations as uſually they have done, without Commiſſion under the Great Seal of England *ſo to do.*

Jo. Bramſtone	George Croke
Jo. Finch	Tho. Trevor
Humfrey Davenport	George Vernon
Will. Jones	Ro. Berkley
Jo. Dinham	Fra. Crawley
Richard Hutton	Ric. Weſton.

Inrolled in the Court of Exchequer, Kings Bench, Common Pleas, and regiſtred in the Courts of High Commiſſion and Star Chamber.

EPI-

EPISCOPACY
Not Prejudicial to
REGAL POWER.

SECT. I.
The two great Objections propoſed.

I.

HE that ſhall take the pains to inform himſelf rightly what Power the Kings of *England*, have from time to time claimed and exerciſed in *Cauſes*, and over *Perſons Eccleſiaſtical*; as alſo by whom, how, and how far forth their ſaid *Power* hath been from time to

time either *oppoſed*, or *maintained*; ſhall undoubtedly find that no perſons in the world have more freely acknowledged, and both by their writings and actions more zealouſly, judicioufly, and effectually aſſerted the *Sovereign Eccleſiaſtical Power of Kings*, than the Proteſtant *Biſhops* and *Divines* (whom our new Maſters have been pleaſed of late to call the *Prelatical Party*) in the Church of *England* have done. Yet ſo far hath Prejudice (or ſomething elſe) prevailed with ſome Perſons of Quality in theſe times of ſo much looſneſs and diſtraction; as to ſuffer themſelves to be led into a belief, or at leaſt wiſe to be willing the People ſhould be deceived into the belief of theſe two things. *Firſt*, that the Opinion which maintaineth the *Jus Divinum* of Epiſcopacy is deſtructive of the *Regal Power*. And *ſecondly*, that *Epiſcopal Juriſdiction*, as it was exerciſed before, and at the beginning of this preſent Parliament, was derogatory from the Honour of the King, and prejudicial to the juſt Rights and Prerogatives of his Crown.

II.

II.

Truly they that know any thing of the Practices and Proceedings of the *Antiprelatical* Party, cannot be ignorant, that their aims (theſe or whatſoever other pretenſions notwithſtanding) are clearly to enlarge their own power, by leſſening the King's, and to raiſe their own Eſtates upon the ruines of the Biſhops. And therefore howſoever the aforeſaid pretenſions may ſeem at the firſt appearance to proceed from a ſenſe of *Loyalty*, and a tenderneſs of ſuffering any thing to be continued in the Kingdom which might tend to the leaſt diminution of His Majeſties juſt Power and Greatneſs. Yet (till their Actions look otherwiſe than for ſome time paſt they have done) the pretenders muſt give us leave to think that their meaning therein is rather to do the *Biſhops* hurt, than to do the *King* ſervice; and that their affections (ſo far as by what is viſible we are able to judge thereof) are much what alike the ſame towards them both. But to leave their Hearts to the judg-

ment of him to whom they muſt ſtand or fall; for the juſt defence of Truth, and that (ſo far as we can help it) the People be not abuſed in this particular alſo, as in ſundry others they have been, by ſuch Men, as are content to uſe the Kings Name when it may help on their own deſigns; I ſhall firſt ſet forth the two *main Objections* ſeverally to the beſt advantage of the Objectors, and then endeavour by a clear and ſatisfactory Anſwer to diſcover the weakneſs and vanity of them both.

III.

The former *Objection*, Whereas in the *Oath of Supremacy* the Supreme *Power Eccleſiaſtical* is acknowledged to be in the *King* alone; and by the Statute of 1 *El.* all Juriſdictions and Preeminences Spiritual and Eccleſiaſtical within the Realm of *England* are *reſtored to the Crown*, as the ancient Rights thereof, and for ever united and annexed thereunto, the *Biſhops* claiming their Power and Juriſdiction to belong unto them as of *Divine Right*, ſeemeth to be a manifeſt violation of

of the ſaid *Oath* and *Statute*, and a real diminution of the *Regal Power* in and by the ſaid *Oath* and *Statute* acknowledged and confirmed. For whatſoever Power is of *Divine Right*, is immediately derived from God, and dependeth not upon any earthly King or Potentate whatſoever as ſuperiour thereunto. Theſe two terms, to be from *Heaven*, and to be of *Men*, being uſed in the Scriptures as terms oppoſite and inconſiſtent, and ſuch as cannot be both truly affirmed of the ſame thing.

IV.

The later *Objection*; Setting aſide the Diſpute of *Jus Divinum*, and whatſoever might be ſaid either for or againſt the ſame; the very exerciſing of *Epiſcopal Juriſdiction* in ſuch a manner as it was with us, the *Biſhops* iſſuing out their *Summons*, giving *Cenſures*, and acting every other thing in the Eccleſiaſtical Courts, in *their own*, and not in the *Kings Name*, ſeemeth to derogate much from the *Regal Power* in the point of Eccleſiaſtical Sovereignty. For whereas

the Judges in the *Kings Bench*, *Common Pleas*, and other Common Law Courts, do iſſue out their Writs, and make all their *Judgments*, *Orders*, *Decrees*, *&c.* in the *Kings Name*; thereby acknowledging both their Power to be depending upon, and derived from the Kings Authority, and themſelves in the exerciſe of that Power to be but his *Miniſters* ſent and authorized by; and ſo give him the juſt honour of his Supremacy Temporal. The Biſhops on the other ſide exerciſe a *ſpiritual power or juriſdiction* in their own Names, and as it were by their own Authority, without any the leaſt acknowledgment of the efflux or emanation of that Power or Juriſdiction from the King. Which Cuſtom as it had undoubtedly its firſt riſe and after-growth from the exorbitant Greatneſs of the Biſhops of *Rome*, who have uſurped an unjuſt Authority as well over Kings and Princes, as over their fellow Biſhops, laboured all they could to leſſen the Authority of Kings, eſpecially in matters Eccleſiaſtical: ſo is the continuance thereof no otherwiſe to be eſteemed than as a rag or relique of that Anti-

tichriſtian Tyranny, which was retained (as ſome other things alſo of evil conſequence were) in thoſe imperfect beginnings of *Reformation*, when the *Popes* Power was firſt abrogated under King *Henry* the VIII. But it was afterwards in a more mature and perfect Reformation taken into conſideration in the Reign of King *Edward* the VI. and remedy provided there-againſt by an Act of Parliament made in the firſt year of his Reign; wherein it was enacted, *That all Summons, Citations, and other Proceſſes Eccleſiaſtical, ſhould be made in the Kings Name, and with the Style of the King, as it is in Writs Original and Judicial at the Common Laws.* And that the *Teſte* thereof onely ſhould be in the Name of the *Biſhop*.

V.

It is true indeed that this *Statute* of King *Edward* was within a few years after repealed, and ſo the old Uſage and Form again reſtored *primo Mariæ*, and hath ever ſince ſo continued during the Reigns of the ſaid Queen, of Queen *Elizabeth*, of King *James*, and of His Maje-

ſty that now is, untill this preſent Parliament, without any alteration or interruption. But the repealing of the Statute of 1 *Edw.* VI. and the reception of the former Uſage enſuing thereupon, ought not to be alleaged by the *Biſhops*, or to ſway with any Proteſtant; in as much as that Repeal was made by Queen *Mary*, who was a profeſſed Papiſt, and who together with that form of proceeding in the Eccleſiaſtical Courts, reſtored alſo the whole Popiſh Religion, whereof that was a branch. Neither ought the uninterrupted continuance of the ſaid Form under Queen *Elizabeth*, and the ſucceeding Kings, (whether it happened through inadvertency in the State, or through the inceſſant artifices and practices of the more active Biſhops, ſome or other whereof had always a prevalent power with thoſe Princes in their ſeveral Reigns) to hinder: But that as the ſaid manner of proceeding was in the ſaid firſt year of *Edward* the VI. by the King, and the three Eſtates in Parliament, adjudged to favour the uſurped Power of the Biſhops of *Rome*, and to trench upon the Kings juſt and

and acknowledged Authority in matters Eccleſiaſtical (as by the Preamble in the ſaid Act doth ſufficiently appear) ſo it ought to be ſtill no otherwiſe eſteemed than as a branch of the *Papal Uſurpation*, highly derogatory to the Honor of the King, and the Rights of his Crown. This is (as I conceive) the ſumme of all that hath been, and the utmoſt of what (I ſuppoſe) can be ſaid in this matter.

SECT.

SECT. II.

In anſwer to the former Objection.

I.

WHereunto I make Anſwer as followeth. To the former *Objection* I ſay firſt, that it is evidently of no force at all againſt thoſe Divines, who for the maintenance of *Epiſcopacy* lay their Claim under another Notion, and not under that of *Jus Divinum*. Which Expreſſion, for that it is (by reaſon of the ambiguity thereof) ſubject to be miſtaken, and that captious men are ſo willing to miſtake it for their own advantage, might peradventure without loſs of Truth, or prejudice to the Cauſe, be with as much prudence laid aſide, as uſed, as in this, ſo in ſundry other Diſputes and Controverſies of theſe times.

II.

II.

If it ſhall be replied, that then belike the *Proctors of Epiſcopacy* are not yet well agreed among themſelves by what Title they hold; and that it is a ſhrewd prejudice againſt them, that they have no good Title: For it is ever ſuppoſed, he that hath a good Title knoweth what it is; and we are to preſume the Power to be uſurped, when he that uſeth it cannot tell how he came by it. I ſay therefore *ſecondly*, that the *difference* between the Advocates for *Epiſcopacy* is rather in the different manner of expreſſing the ſame thing, than in their different Judgment upon the ſubſtance of the matter. The one ſort making choice of an expreſſion which he knoweth he is able to make good againſt all Gainſayers, if they will but underſtand him aright: the other out of warineſs or condeſcenſion forbearing an Expreſſion, (no neceſſity requiring the uſe of it) which he ſeeth to have been ſubject to ſo much miſconſtruction.

III.

III.

For the truth is, all this adoe about *Jus Divinum* is in the laſt reſult no more than a meer verbal nicety; that Term being not always taken in one and the ſame latitude of Signification. Sometimes it importeth a *divine precept* (which is indeed the primary and moſt proper ſignification;) when it appeareth by ſome clear expreſs and peremptory Command of God in his Word, to be the Will of God, that the thing ſo commanded ſhould be perpetually and univerſally obſerved. Of which ſort, ſetting aſide the Articles of the Creed, and the Moral Duties of the Law (which are not much pertinent to the preſent Inquiry) there are, as I take it, very few things that can be ſaid to be of *divine poſitive right* under the *New Teſtament*. The Preaching of the Goſpel, and Adminiſtration of the Sacraments, are two; which when I have named, I think I have named all.

IV.

IV.

But there is a ſecondary and more extended ſignification of that Term, which is alſo of frequent uſe among Divines. In which ſenſe ſuch things, as having no expreſs Command in the Word, yet are found to have Authority and Warrant from the Inſtitution, Example, and Approbation either of Chriſt himſelf, or his Apoſtles; and have (in regard of the importance and uſefulneſs of the things themſelves) been held by the *conſentient judgment* of all the Churches of Chriſt in the primitive and ſucceeding Ages, needful to be continued. Such things I ſay are (though not ſo properly as the former, yet) uſually and *interpretativè* ſaid to be of *divine right*. Of which ſort I take the Obſervation of the Lords Day, the ordering the *Keys*, the diſtinction of *Presbyters* and *Deacons*, and ſome other things (not all perhaps of equal conſequence) to be. Unto *Jus Divinum* in that former acception is required a Divine Precept; in this later it ſufficeth thereunto that a thing be of Apoſtolical In-

Inſtitution or Practice. Which Ambiguity is the more to be heeded, for that the Obſervation thereof is of great uſe for the avoiding of ſundry miſtakes, that through the ignorance or neglect thereof daily happen to the engaging of men in endleſs Diſputes, and entangling their Conſciences in unneceſſary Scruples.

V.

Now, that the Government of the Churches of Chriſt by Biſhops, is of Divine Right in that firſt and ſtricter ſenſe, is an Opinion at leaſt of great Probability, and ſuch as may more eaſily, and upon better grounds be defended than confuted: eſpecially if in expounding thoſe Texts that are alledged for it, we give ſuch deference to the Authority of the Ancient Fathers, and their Expoſitions thereof, as wiſe and ſober men have always thought it fit we ſhould do. Yet becauſe it is both inexpedient to maintain a Diſpute where it needs not, and needleſs to contend for more, where leſs will ſerve the turn: I find that our Divines that have tra-

travailed moſt in this Argument, where they purpoſely treat of it, do rather chooſe to ſtand to the Tenure of Epiſcopacy *ex Apoſtolicâ deſignatione*, than to hold a conteſt upon the Title of *Jus Divinum*, no neceſſity requiring the ſame to be done. They therefore that ſo ſpeak of this Government as eſtabliſhed by Divine Right, are not all of them neceſſarily ſo to be underſtood, as if they meant it in that firſt & ſtricter ſenſe. Sufficient it is for the Juſtification of the Church of *England* in the Conſtitution and Government thereof, that it is (as certainly it is) of Divine Right in the latter and larger ſignification: that is to ſay, of Apoſtolical Inſtitution and Approbation; exerciſed by the Apoſtles themſelves, and by other Perſons in their times, appointed and enabled thereunto by them, according to the Will of our Lord Jeſus Chriſt, and by virtue of the Commiſſion they had received from him.

VI.

Which beſides that, it is clear from evident Texts of Scripture, and from the Teſtimony of as Ancient and Authentick

thentick Records as the world hath any to ſhew for the atteſting of any other part of Eccleſiaſtical Story; it is alſo in truth a part of the eſtabliſhed Doctrine of the Church of *England*: evidently deduced out of ſundry paſſages in the Book of *Conſecration*, (which Book is approved in the Articles of Religion *Art.* 36. confirmed by Act of Parliament, and ſubſcribed unto by all perſons that have heretofore taken Orders in the Church, or Degrees in the Univerſity;) and hath been conſtantly & uniformly maintained by our beſt Writers, and by all the ſober, orderly and Orthodox Sons of this Church. The Point hath been ſo abundantly proved by ſundry Learned Men, and cleared from the exceptions of Noveliſts; that more need not be ſaid for the ſatisfaction of any Intelligent Man, that will but firſt take the pains to read the Books, and then ſuffer himſelf to be Maſter of his own Reaſon.

VI.

Only I could wiſh, that they who plead ſo eagerly for the *Jus Divinum* of the

the Lords Day, and yet reject (not without ſome ſcorn) the *Jus Divinum* of Epiſcopacy, would ask their own hearts (dealing impartially therein) whether it be any apparent Difference in the Nature of the Things themſelves, or in the ſtrength of thoſe Reaſons that have been brought for either, that leadeth them to have ſuch Different Judgements thereof; or rather ſome Prejudicate Conceit of their own; which having formerly fancyed to themſelves even as they ſtood affected to parties, the ſame affections ſtill abiding, they cannot eaſily lay aſide. Which partiality (for I am loath to call it preverſneſs) of ſpirit, is by ſo much the more inexcuſable in this particular; by how much Epiſcopal government ſeemeth to be grounded upon Scripture Texts of greater pregnancy and clearneſs, and atteſted by a fuller conſent of Antiquity to have been Uniformly and Univerſally obſerved throughout the whole Chriſtian World, than the Lords Day hath hitherto been ſhewn to be.

VIII.

But ſhould it be granted, that all the Defenders of Epiſcopacy did indeed hold it to be *Jure Divino* in the ſtricteſt and moſt proper ſenſe; Yet could not the Objectors thence reaſonably conclude, that it ſhould be *Eo Nomine* inconſiſtent with the Regal power, or ſo much as derogatory in the leaſt degree to that Supream Power Eccleſiaſtical, which by the Laws of our Land is eſtabliſhed, and by the Doctrine of our Church acknowledged to be Inherent in the Church. As themſelves may eaſily ſee, if they will but conſider.

IX.

Firſt, That Regal and Epiſcopal Power, are two Powers of quite different kinds: and ſuch as conſidered purely in thoſe things that are proper and eſſential to either, have no mutual Relation unto, or Dependence upon each other; neither hath either of them any thing to do with the other, one of them being purely Spiritual and Internal, the other external

external & temporal: albeit in regard of the Perſons that are to exerciſe them, or ſome accidental Circumſtances appertaining to the Exerciſe thereof, it may happen the one to be ſomeways Helpful or Prejudicial to the other; yet is there no neceſſity at all that the very Powers themſelves in reſpect that their own Natures ſhould be (at a diſtance) either of them ſo Deſtructive to other, but that they might conſiſt well enough together. Yea, although either of them, or both ſhould claim (as indeed they both may do) to be of divine right independently upon the other. Let any man come up to the point, and ſhew if he can, how and wherein the Epiſcopal power is any thing at all diminiſhed by affirming the Regal to be of divine right? or how and wherein the Regal power is at all prejudiced, by affirming the Epiſcopal to be of divine right? The oppoſition between thoſe two Terms, *To be from Heaven*, and *To be of Men*, which was objected, cometh not home enough; unleſs we ſhould affirm them both of one and the ſame power in the ſame reſpect. Which ſince we do not;

that oppoſition hindreth not, but that the ſame power may be ſaid to be of both in divers reſpects, *viz.* to be from Heaven, or of God, in reſpect of the ſubſtance of the thing in the general; and yet to be of Men in reſpect of the determination of ſundry particularities requiſite unto the lawful and laudable exerciſe thereof.

X.

Secondly, that the derivation of any power from God doth not neceſſarily infer the non-ſubjection of the perſons in whom that power reſideth to all other men. For doubtleſs the power that Fathers have over their Children, Husbands over their Wives, Maſters over their Servants, is from Heaven, of God and not of Men. Yet are Parents, Husbands, Maſters, in the Exerciſe of their ſeveral reſpective Powers ſubject to the Power, Juriſdiction and Laws of their lawful Soveraigns. And I ſuppoſe it would be a very hard matter for any Man to find out a clear and ſatisfactory reaſon of difference between the Eccleſiaſtical Power, and the Oeconomical; Why the one, be-

becauſe it claimeth to be of Divine Right ſhould be therefore thought to be Injurious to Regal Power, and the other (though claiming in the ſame manner) not to be Injurious.

XI.

Thirdly, The *Miniſterial Power* in that which is common to Biſhops with their Fellow-Presbyters, *viz.* the *Preaching the Word*, and the *Adminiſtration of the Sacraments*, &c. is confeſſed to be from Heaven, and of God; and yet no Prejudice at all conceived to be done thereby to the Regal Power: becauſe the Miniſters who exerciſe that Power, are the Kings Subjects, and are alſo in the executing of thoſe very Acts that are proper to their Miniſterial Functions to be limited and ordered by the Eccleſiaſtical Laws. A Man might therefore juſtly wonder, (but that it is no new thing to find in the bag of ſuch Merchants, as we have now to deal with, *pondus & pondus*) how it ſhould come to paſs that the Epiſcopal Power, in that which is peculiar to Biſhops above other their Bre-

thren in the Miniſtry, *viz.* The *Ordaining of Prieſts and Deacons, and managing of the Keys*, cannot be ſaid to be of God, but it muſt be forthwith condemned to be highly derogatory to the Regal Power: notwithſtanding the Biſhops acknowledge themſelves as freely as any others whoſoever, to be the Kings Subjects, and ſubmit themſelves, with as much willingneſs (I dare ſay, and ſome Presbyterians know I ſpeak but the truth) as the meaneſt of their fellow Miniſters do, to be limited in exerciſing the proper Acts of their Epiſcopal Functions by ſuch Laws as have been by Regal Power eſtabliſhed in this Realm. The King doth no more challenge to himſelf as belonging to him by virtue of his Supremacy Eccleſiaſtical, the power of ordaining Miniſters, Excommunicating ſcandalous offenders, or doing any other act of Epiſcopal Office in his own perſon, than he doth the power of Preaching, adminiſtring the Sacraments, or doing any other act of Miniſterial Office in his own perſon: but leaveth the performance of all ſuch Acts of either ſort unto ſuch perſons, as the ſaid ſeve-

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ral reſpective powers do of Divine right belong unto, *viz.*, of the one ſort to the Biſhop, and of the other to all Preiſts. Yet doth the King by virtue of that Suptemacy, challenge a power as belonging unto him in the right of his Crown, to make Laws as well concerning Preaching, adminiſtring the Sacraments, and other acts belonging to the function of a Preiſt, as concerning Ordination of Miniſters, proceedings in matters of Eccleſiaſtical cogniſance in the Spiritual Courts, and other Acts belonging to the Function of a Biſhop. To which Laws, as well the Preiſts as the Biſhops, are ſubject, and ought to ſubmit to be Limited and Regulated thereby in the Exerciſe of thoſe their ſeveral reſpective Powers; their claim to a *Jus Divinum*, and that their ſaid ſeveral Powers are of God, notwithſtanding. I demand then; As to the Regal Power, is not the caſe of the Biſhops and of the Miniſters every way alike? Do they not both pretend their Powers to be of God? And are they not yet for all that both bound in the Exerciſe of both thoſe Powers to obey the King and his Laws? Is there not

clearly the ſame reaſon of both? How then cometh it to paſs, that theſe are pronounced innocent, and thoſe guilty? Can any think God will wink at ſuch foul Partiality? or account them pure with the Bag of Deceitful Weights.

XII.

Fourthly, That there can be no fear of any Danger to ariſe to the prejudice of the Regal power, from the Opinion that Biſhops are *Jure Divino*, unleſs that Opinion ſhould be ſtretched to one of theſe two Conſtructions, *viz.* as if it were intended either 1. That all the Power which Biſhops have legally exerciſed in Chriſtian Kingdoms did belong to them as of Divine Right; Or 2. That Biſhops living under Chriſtian Kings, might at leaſt exerciſe ſo much of their power as is of Divine Right after their own pleaſure, without, or even againſt the Kings leave, or without reſpect to the Laws and Cuſtoms of the Realm. Neither of which is any part of our meaning. All power, to the exerciſe whereof our Biſhops have pretended, co-

cometh under one of the two heads, of Order or of Juriſdiction. The power of Order conſiſteth partly in Preaching the Word, & other Offices of publick Worſhip common to them with their fellow-miniſters; partly in Ordaning Preiſts and Deacons, admitting them to their particular Cures and other things of like nature; peculiar to them alone. The power of Juriſdiction is either Internal in retaining and remitting ſins *in foro conſcientiæ*, common to them alſo (for the ſubſtance of the authority, though with ſome difference of degree) with other *Miniſters*: or External for the outward government of the Church in ſome parts thereof peculiar to them alone. For that *external power* is either *directive* in preſcribing Rules and Orders to thoſe under their Juriſdictions, and making Canons and Conſtitutions to be obſerved by the Church; wherein the inferiour Clergy by their Repreſentatives in Convocation have their Votes as well as the *Biſhops*, and both dependently upon the *King*, (for they cannot either meet without his Writ, or treat without his Commiſſion, or eſtabliſh without his Royal Aſ-

Aſſent:) or Judiciary and Coercive, in giving ſentence *in foro exteriori*, in matters of Eccleſiaſtical Cognizance, Excommunicating, Fining, Impriſoning Offenders, and the like. Of theſe Powers ſome branches, not onely in the exerciſe thereof, but even in the very ſubſtance of the Power it ſelf, (as namely that of external Juriſdiction coercive) are by the Laws declared, and by the Clergy acknowledged, to be wholly and entirely derived from the King, as the ſole Fountain of all Authority of external Juriſdiction whether Spiritual or Temporal within the Realm; and conſequently not of Divine Right. Other-ſome, although the ſubſtance of the Power it ſelf be immediately from God, and not from the King, as thoſe of Preaching, Ordaining, Abſolving, &c. Yet are they ſo ſubject to be inhibited, limited, or otherwiſe regulated in the outward exerciſe of that Power by the Laws and Cuſtoms of the Land, as that the whole Execution thereof ſtill dependeth upon the Regal Authority. And how can the groſs of that Power be prejudicial to the King or his Supremacy,

cy, whereof all the parts are confeſſed either to be derived from him, or not to be executed without him?

XIII.

Fifthly, That if Epiſcopacy muſt be therefore concluded to be repugnant to Monarchy, becauſe it claimeth to be of Divine Right; then muſt Monarchs either ſuffer within their Dominions no Form of Church-Government at all, (and then will Church, and with it Religion, ſoon fall to the ground;) or elſe they muſt deviſe ſome new Model of Government, ſuch as never was yet uſed or challenged in any part of the Chriſtian World; ſince no Form of Government ever yet uſed or challenged, but hath claimed to a *Jus Divinum* as well as Epiſcopacy. Yea I may ſay truly, every one of them with far more noiſe, though with far leſs reaſon than Epiſcopacy hath done. And therefore of what Party ſoever the Objectors are, (Papiſts, Presbyterians, or Independents) they ſhew themſelves extremely partial againſt the honeſt regular Proteſtant, in con-

condemning him as an Enemy to Regal Power for holding that in his way, which (if it be juſtly chargeable with ſuch a Crime) themſelves holding the very ſame in their ſeveral ways, are every whit as deeply guilty of as he.

XIV.

Laſtly, That this their Partiality is by ſo much the more inexcuſable, by how much the true *Engliſh* Proteſtant for his Government not onely hath a better title to a *Jus Divinum*, than any of the other three have for theirs; but alſo pleadeth the ſame with more caution and modeſty, than any of them do. Which of the four Pretenders hath the beſt title, is no part of the buſineſs we are now about. The tryal of that will reſt upon the ſtrength of the Arguments that are brought to maintain it; wherein the Presbyterians perhaps will not find any very great advantage beyond the reſt of thoſe that conteſt for it. But let the right be where it will be, we will for the preſent ſuppoſe them all to have equal title, (and thus far indeed they

they are equal, that every one taketh his own to be beſt:) and it ſhall ſuffice to ſhew, that the *Jus Divinum* is pleaded by the Epiſcopal Party with more calmneſs and moderation, and with leſs derogation from Regal Dignity, than by any other of the three.

XV.

For *Firſt*, The reſt when they ſpake of *Jus Divinum* in reference to their ſeveral ways of Church-Government, take it in the higheſt elevation, in the firſt and ſtricteſt ſenſe. The Papiſt groundeth the Popes Oecumenical Supremacy upon Chriſts Command to *Peter* to execute it, and to all the Flock of Chriſt,(Princes alſo as well as others) to ſubmit to him as their Univerſal Paſtor. The Presbyterian crieth up his Model of Government and Diſcipline, (though minted in the laſt by-gon Century) as the very Sceptre of Chriſts Kingdom, whereunto all Kings are bound to ſubmit theirs; making it as unalterable and inevitably neceſſary to the being of a Church, as the Word and Sacraments are.

are. The Independent Separatiſt alſo, upon that grand principle of Puritaniſm common to him with the Presbyterian, (the very root of almoſt all the Sects in the World) *viz.* That nothing is to be ordered in Church-matters, other or otherwiſe than Chriſt hath appointed in his Word; holdeth that any Company of People gathered together by mutual conſent in a Church-way, is *Jure Divino* free and abſolute within it ſelf, to govern it ſelf by ſuch Rules as it ſhall judge agreeable to Gods Word, without Dependence upon any but Chriſt Jeſus alone, or Subjection to any Prince, Prelate, or other humane perſon or Conſiſtory whatſoever. All theſe you ſee do not onely claim to a *Jus Divinum*, and that of a very high nature; but in ſetting down their Opinions weave in ſome Expreſſes tending to the diminution of the Eccleſiaſtical Supremacy of Princes. Whereas the Epiſcopal Party neither meddle with the Power of Princes, nor are ordinarily very forward to preſs the *Jus Divinum*, but rather purpoſely decline the mentioning of it, as a term ſubject to miſconſtruction;

ſtruction, (as hath been ſaid;) or elſe ſo interpret it, as not of neceſſity to import any more than an Apoſtolical Inſtitution. Yet the Apoſtles Authority in that Inſtitution being warranted by the example, and (as they doubt not) the direction of their Maſter *Jeſus Chriſt*, they worthily eſteem to be ſo reverend and obligatory, as that they would not for a world have any hand in, or willingly and deliberately contribute the leaſt aſſiſtance towards (much leſs bind themſelves by Solemn League and Covenant to endeavour) the Extirpation of that Government; but rather on the contrary hold themſelves in their Conſciences obliged, to the uttermoſt of their powers to endeavour, the preſervation and continuance thereof in theſe Churches, and do heartily wiſh the reſtitution and eſtabliſhment of the ſame, whereſoever it is not, or whereſoever it hath been heretofore (under any whatſoever pretence) unhappily laid aſide or aboliſhed.

XVI.

XVI.

Secondly, The reſt (not by remote inferences, but) by immediate and natural deduction out of their own acknowledged Principles, do ſome way or other deny the KING's Supremacy in matters Eccleſiaſtical: Either claiming a power of Juriſdiction over him, or pleading a privilege of Exemption from under him. The Papiſts do it both wayes; in their ſeveral Doctrines of the Popes Supremacy, and of the Exemption of the Clergy. The Puritans of both ſorts, who think they have ſufficiently confuted every thing they have a mind to miſlike, if they have once pronounced it Popiſh and Antichriſtian, do yet herein (as in very many other things, and ſome of them of the moſt dangerous conſequence) ſymbolize with the Papiſts, and after a ſort divide that branch of Antichriſtianiſm wholly between them: The Presbyterians claiming to their Conſiſtories as full and abſolute Spiritual Juriſdiction over Princes, (with power even to excommunicate them, if they ſhall ſee cauſe for it,) as the Papiſts challenge to

to belong to the *Pope*: And the Independents exempting their Congregations from all ſpiritual ſubjection to them, in as ample manner, as the *Papiſts* do their Clergy. Whereas the *Engliſh* Proteſtant Biſhops and Regular Clergy, as becometh good Chriſtians and good Subjects, do neither pretend to any Juriſdiction over the Kings of *England*, nor with-draw their ſubjection from them: but acknowledge them to have Soverain Power over them, as well as over their other Subjects; and that in all matters Eccleſiaſtical as well as Temporal. By all which it is clear, that the *Jus Divinum* of Epiſcopacy, as it is maintained by thoſe they call (*ſtylo novo*) the Prelatical party in *England*, is not an Opinion of ſo dangerous a nature, nor ſo derogatory to the Regal Powers, as the Adverſaries thereof would make the world believe it is: but that rather, of all the forms of Church-Government that ever yet were endeavoured to be brought into the Churches of Chriſt, it is the moſt innocent in that behalf.

SECT. III.

In Anſwer to the latter Objection.

I.

HAving thus cleared the Opinion held concerning Epiſcopacy in the Church of *England*, from the Crime unjuſtly charged upon it by the Adverſaries, (but whereof in truth themſelves are deeply guilty) in their former Objection: Our next buſineſs will be the eaſier, to juſtifie it in the Practice alſo from the like Charge laid againſt it in the latter Objection, by ſhewing, That the Juriſdiction exerciſed by the Biſhops within this Realm, (and namely in that particular which the Objectors urge with moſt vehemency, of acting ſo many things in their own Names) is no way derogatory to the Kings Majeſties Power or Honour. Wherein it were enough for the ſatisfaction of every underſtanding man, without deſcending

ing to any further particularities, to ſhew the impertinency of the Objectors from theſe two general Conſiderations.

II.

Firſt, That the Biſhops have exerciſed no Juriſdiction *in foro externo* within this Realm, but ſuch as hath been granted unto them by the ſucceſſive Kings of *England*; neither have challenged any ſuch Juriſdiction to belong unto them by any inherent right or title in their Perſons or Callings, but onely by emanation and derivation from the Royal Authority. The very words of the Statute 1 *Edw.6.* in the Objection mentioned run thus; *Seeing that all Authority of Juriſdiction Spiritual and Temporal is derived and deducted from the Kings Majeſty as Supreme Head—— and ſo juſtly acknowledged by the Clergie of the ſaid Realms; and that all Courts Eccleſiaſtical be kept by no other Power or Authority either forein or within the Realms, but by the Authority of His Moſt Excellent Majeſty, &c.* Now the regular exerciſe of a derived Power is ſo far from deſtroying, or any

way diminiſhing that Original Power from whence it is derived, as that it rather confirmeth and eſtabliſheth the ſame. Yea, the further ſuch derived Power is extended and enlarged in the exerciſe thereof, ſo as it be regular, (that is, ſo long as it containeth it ſelf within the bounds of its Grant, and exceedeth not the limits prefixed thereunto by that Original Power that granted it) the more it ſerveth to ſet forth the honour and greatneſs of that Original Power; ſince the Virtue of the Efficient Cauſe is beſt known by the greatneſs of the Effect: for *Propter quod unumquodque eſt tale, illud ipſum eſt magis tale.* As the warmth of the room doth not leſſen the heat of the Fire upon the Hearth but is rather a ſign of the greatneſs of that Heat. Nor doth the abundance of Sap in the Branches cauſe any abatement in the Root, but is rather an evident demonſtration of the greater plenty there.

III.

Secondly, That it is one of the greateſt follies in the World, to endeavour in good

good earneſt to maintain any thing by Argument, when we have the evidence of Senſe or Experience to the contrary. For what is it *cum ratione inſanire*, if this be not? To deny Fire to be hot, or Water to be moiſt, or Snow to be white; when our Senſes inform us they are ſuch? Or to prove by Argument that Life may be perpetuated by the help of Art and good Diet, or that Infants are capable of Faith or Inſtruction by ordinary means; when Experience ſheweth the contrary? Now the Experience of above fourſcore years, ever ſince the beginning of Queen *Elizabeths* Reign, doth make it moſt evident, that the exerciſe of Epiſcopal Juriſdiction by the Proteſtant Biſhops here, was ſo far from diminiſhing the Power, or eclipſing the Glory of the Crown, that the Kings and Queens of *England* never enjoyed their Royal Power in a fuller meaſure, or flouriſhed with greater Luſtre, Honour, and Proſperity, than when the Biſhops (by their favour) enjoyed the full liberty of their Courts, Juriſdictions, Honours, and Privileges, according to ancient Grants of former Kings, and the

Laws and Cuſtoms of *England*. On the other ſide, in what condition of Power and Honour (otherwiſe than in the hearts of his oppreſſed Subjects) our moſt pious and gracious Sovereign, that now is, hath ſtood, and at this preſent ſtandeth, through the prevalency of the *Smectymnuan* Faction, ever ſince they had the opportunity and forehead from lopping off (as was at firſt pretended) ſome luxuriant Superfluities (as they at leaſt imagined them to be) in the branches of Epiſcopal Juriſdiction (as High Commiſſion Oath, *Ex officio, &c.*) to proceed to take away Epiſcopacy it ſelf root and branch. It were a happy thing for us, if the lamentable Experience of theſe late times would ſuffer us to be ignorant. So as we now look upon that ſhort Aphoriſm ſo uſual with His Majeſties Royal Father, [NO BISHOP NO KING] not as a ſentence onely full of preſent truth when it was uttered; but rather as a ſad Prophecy of future events, ſince come to paſs. The miſeries of theſe waſting Diviſions both in the Church and Commonwealth we cannot with any reaſon hope to ſee an end

end of, untill it ſhall pleaſe Almighty God in his infinite mercy to a ſinful Nation, to reſtore them both (King and Biſhops) to their ancient, juſt, and rightful power: and in order thereunto graciouſly to hear the weak prayers of a ſmall oppreſſed Party, (yet coming from loyal hearts, and going not out of feigned lips) beyond the loud crying Perjuries, Sacrileges, and Oppreſſions of thoſe that now exerciſe an Arbitrary Sovereignty over their fellow-ſubjects, without either *juſtice* or mercy, together with the abominable Hypocriſie and Diſloyalty, that hath ſo long reigned in them and their Adherents.

IV.

Thoſe two general Conſiderations, although they might (as I ſaid) ſuffice to take away the force of the Objection, without troubling our ſelves or the Reader with any further Anſwer thereunto. Yet that the Objectors may not have the leaſt occaſion given them to quarrel the Proceedings, as if we did purpoſely decline a *juſt* tryal, we ſhall

come up a little cloſer, and examine more particularly every material point, in the order as they lie in the Objection aforeſaid. And the points are three.

1. That the manner uſed by the Biſhops, in ſending out their Summons, &c. in their own Names, is contrary to the form and order of other Courts.
2. That ſuch forms of Proceſs ſeem to have at firſt proceeded from the uſurped power of the Biſhops of *Rome*, who laboured by all poſſible means to bring down the Regal Power, and ſet up their own.
3. That upon theſe very grounds the Cuſtom was altered by Act of Parliament, and a Statute made 1 *Edw.* VI. (howſoever ſince repealed and diſcontinued) that all Proceſſes Eccleſiaſtical ſhould be made in the Kings Name, and not in the Biſhops.

V.

As to the firſt point, true it is that the manner uſed by the Biſhops in the Ec-

Eccleſiaſtical Courts, (*viz.* in iſſuing out Summons, Citations, Proceſſes, giving Judgments, &c. in their own Names, and not in the Kings) is different from the manner uſed in the Kings Bench, Exchequer, Chancery, and ſundry other Courts. But that difference neither doth of neceſſity import an independency of the Eccleſiaſtical Courts upon the King, nor did in all probability ariſe at the beginning from the Opinion of any ſuch Independency; nor ought in reaſon to be conſtrued as a diſacknowledgment of the Kings Authority and Supremacy Eccleſiaſtical. For,

VI.

Firſt, There is between ſuch Courts as are the Kings own immediate Courts, and ſuch Courts as are not, a great difference in this point. Of the former ſort are eſpecially the Kings Bench and Chancery: as alſo the Courts of Common Pleas, Exchequer, Juſtices of Goal-delivery, &c. In the King's Bench the Kings themſelves in former times have often perſonally ſate, whence it came to have

have the name of the Kings Bench; neither was it tyed to any particular place, but followed the Kings Perſon. At this day alſo all Writs returnable there run in this ſtyle, *Coram nobis*, and not (as in ſome other Courts) *Coram Juſtitiariis noſtris* or the like; and all Judicial Records there are ſtyled, and the Pleas there holden, entred, *Coram Rege*, and not *Coram Juſtitiariis Domini Regis*; Appeals alſo are made from inferiour Judges in other Courts to the King in Chancery; becauſe in the conſtruction of the Laws the Kings Perſonal Power and preſence is ſuppoſed to be there: and therefore *Sub pœna*'s granted out of that Court, and all matters of Record paſſed there, run in the ſame ſtyle, *Coram Rege, &c.* Foraſmnch as in the Judges in theſe two Courts there is a more immediate repreſentation of the Kings Perſonal power and preſence, than in the Judges in thoſe other Courts of Common-Pleas, Exchequer, &c. Which yet by reaſon of his immediate virtual power and preſence are the Kings immediate Courts too. In regard of which his immediate virtual power, although the ſtyle of the Writs

Writs and Records there be not *Coram nobis*, *Coram Rege*, as in the former, but only *Coram Juſtitiariis*, *Coram Baronibus noſtris*, *&c.* Yet inaſmuch as the Judges in thoſe Courts are the Kings immediate ſworn Miniſters to execute Juſtice, and to do equal right to all the Kings people in his name, therefore all Proceſſes, Pleas, Acts and Judgments are made and done in thoſe Courts, as well as in the two former, in the Kings Name. But in ſuch Courts as do not ſupoſe any ſuch immediate Repreſentation or preſence of the Kings either perſonal or virtual power, as that thereby they may be holden and taken to be the King's own immediate Courts, the caſe is far otherwiſe. For neither are the Judges in thoſe Courts ſworn the Kings Judges, to adminiſter Juſtice, and do right to the Kings Subjects in his name and ſtead: nor do they take upon them the authority, to cite any perſon, or to give any ſentence; or to do any act of Juriſdiction in the Kings name; having never been by him authorized ſo to do. Of this ſort are amongſt others (beſt known to them that are skilled in the Laws

Laws of this Realm) all Courts-Baron held by the Lord of a Manner, Cuſtomary Courts of Copy-holders, *&c.* and ſuch Courts as are held by the Kings grant, by Charter to ſome Corporation, as to a City, Borough, or Univerſity; or elſe by long uſage and preſcription of time. In all which Courts, and if there be any other of like nature, Summons are iſſued out, and Judgements given, and all other Acts and proceedings made and done in the name of ſuch perſons as have cheif authority in the ſaid Courts, and not in the name of the King: So as the ſtiles run thus, *A.B. Major civitatis Ebor. N.M. Cancellarius Univerſitatis Oxon.* and the like; and not *Carolus Dei gratia, &c.*

VII.

Upon this ground it is that our Lawyers tell us out of *Bracton*, that in caſe of *Baſtardy* to be certified by the Biſhop, no inferiour Court, as *London*, *York*, *Norwich*, or any other Incorporation can write to the Biſhop to require him to certify: but any of the Kings Courts at *Weſtminſter* (as common Pleas, Kings Bench,

Bench, *&c.*) may write to him to certify in that caſe. The reaſon is, Becauſe *Nullus alius præter Regem poteſt Epiſcopo demandare inquiſitionem faciendam.* Which maketh it plain that the Kings immediate power (either perſonal, or virtual) is by the Law ſuppoſed to be preſent in Courts of the one ſort, not of the other: the one ſort being his own immediate Courts, and the other not.

VIII.

Now that the Eccleſiaſtical Courts wherein the Biſhops exerciſe their Juriſdiction, are of the later ſort, I doubt not but our Law-books will afford plenty of Arguments to prove it, beyond all poſſibility of contradiction or cavil. Which being little verſed in thoſe ſtudies I leave for them to find out who have leiſure to ſearch the Books, and do better underſtand the nature, conſtitution, differences and bounds of the ſeveral Courts within this Realm. One Argument there is, very obvious to every underſtanding, (which becauſe I ſhall have fit occaſion a little after to de-

declare, I will not now any longer inſiſt upon,) taken from the nature of the Juriſdiction of theſe Courts ſo far diſtant from the Juriſdiction appertaining to thoſe other Courts, that theſe are notoriouſly ſeparated and in common and vulgar ſpeech diſtinguiſhed from all other by the peculiar name and appellation of the Spiritual Courts. But another Argument, which thoſe Books have ſuggeſted, I am the more willing here to produce, for that it not onely ſufficiently proveth the matter now in hand, but is alſo very needful to be better known abroad in the world than it is, for the removing of a very unjuſt cenſure, which meerly for want of the knowledge of the true cauſe, hath been laid upon the Biſhops in one particular, to their great wrong and prejudice. It hath been much talked ſon, not only by the common ſort of people, but by ſome perſons alſo of better rank and underſtanding, and imputed to the Biſhops as an act of very high inſolency, that in their Proceſſes, Patents, Commiſſions, Licences, and other Inſtruments whereunto their Epiſcopal Seat is affixed, ſo oft as

as they have occaſion to mention themſelves, the Style runneth ever more in the Plural Number [*Nos G. Cant. Archiepiſcopus, Coram nobis, Salvo nobis, &c.*] juſt as it doth in his Majeſties Letters Patents and Commiſſions: thereby ſhewing themſelves (ſay they) as if they were his Fellows and Equals. All this great noiſe and clamour againſt the pride of the Biſhops upon this ſcore, proceedeth (as I ſaid) meerly from the ignorance of the true original cauſe and ground of that innocent and ancient uſage; and therefore cannot ſignifie much to any reaſonable and conſidering Man, when that ground is diſcovered: which is this, *viz.* that every Biſhop is in conſtruction of our Laws a Corporation. For although the Biſhop of himſelf, and in his private and perſonal capacity, be but a ſingle perſon as other men are, and accordingly in his Letters concerning his own particular affairs, and in all other his actings upon his own occaſions, and as a private perſon writeth of himſelf in the ſingular number, as other private men do; yet for as much as in his publick and politick capacity, and as a Biſhop

ſhop in the Church of *England*, he ſtandeth in the eye of the Law as a Corporation; the King not onely alloweth him acting in that capacity to write of himſelf in the plural number, but in all Writs directed to him as Biſhop (as in Preſentations and the like) beſpeaketh him in the plural number, [*Veſtræ Dioceſis, vobis præſentamus, &c.*] The Biſhop then being a Corporation, and that by the Kings Authority, as all other Corporations (whether ſimple or aggregate, whether by Charter or Preſcription) are, it is meet he ſhould hold his Courts, and proceed therein in the ſame manner and form where there is no apparent reaſon to the contrary) as other Corporations do. And therefore as it would be a high preſumption for the Chancellour and Scholars of one of the Univerſities, being a Corporation, to whom the King by his Charter hath granted a Court; or for the Major and Aldermen of a City for the ſame reaſon to iſſue Writs, or do other acts in their Courts in the Kings Name, not having any Authority from the King or his Grant, or from the Laws and Cuſtoms of *England*

ſo

ſo to do: ſo doubtleſs it would for the ſame reaſon be eſteemed a Preſumption no leſs intolerable, for the Biſhops to uſe the Kings Name in their Proceſſes and Judicial acts, not having any ſufficient legal Warrant or Authority for ſo doing.

IX.

Which, if it were duly conſidered, would induce any reaſonable man to believe and confeſs, that this manner of proceeding in their own Names uſed by the Biſhops in their Courts, is ſo far from trenching upon the Regal Power and Authority, which is the Crime charged upon it by the Objectors, that the contrary uſage (unleſs it were enjoyned by ſome Law of the Land, as it was in the Reign of King *Edward* the Sixth) might far more juſtly be charged therewithall. For the true reaſon of uſing the Kings Name in any Court, is not thereby to acknowledge the emanation of the Power or Juriſdiction of that Court from, or the Subordination of that Power unto the Kings Power or

Authority, as the Objectors ſeem to ſuppoſe; but rather to ſhew the ſame Court to be one of the Kings own immediate Courts, wherein the King himſelf is ſuppoſed (in the conſtruction of the Law) either by his perſonal or virtual power to be preſent. And the not uſing of the Kings Name in other Courts doth not infer, as if the Judges of the ſaid Courts did not act by the Kings Authority; (for who can imagine that they who hold a Court by virtue of the Kings Grant onely, ſhould pretend to act by any other than his Authority?) but onely that they are no immediate Repreſentatives of the Kings Perſon in ſuch their Juriſdiction, nor have conſequently any allowance from him to uſe his Name in the exerciſe or execution thereof.

X.

Secondly, There is another obſervable difference in this point, between the Kings Common Law Courts, ſuch as are moſt of thoſe afore mentioned, and thoſe Courts that proceed according to the

the way of the Civil Law. If the King appoint a Conſtable, or Earl Marſhal, or Admiral of *England*: for as much as all Tryals in the *Marſhal*'s Court (commonly called the Court of Honour) and in the Admiralty are according to the Civil Law; all Proceſſes therefore, Sentences, and Acts in thoſe Courts go in the names of the Conſtable, Earl-Marſhal, or Admiral, and not in the Kings name, Which manner of proceeding conſtantly uſed in thoſe Courts, ſith no Man hitherto hath been found to interpret, as any diminution at all or diſacknowledgement of the Kings Soveraignty over the ſaid Courts: it were not poſſible ſame manner of proceeding in the Eccleſiaſtical Courts ſhould be ſo confidently charged with ſo heinous a crime, did not the intervention of ſome wicked luſt or other prevail with Men of corrupt minds to become partial Judges of evil thoughts. Eſpecially conſidering, that,

XI.

Thirdly, There is yet a more ſpecial and peculiar Reaſon to be given in the

behalf of the Biſhops for not uſing the King's Name in their Proceſſes, *&c.* in the Eccleſiaſtical Courts, than can be given for the Judges of any other the above-mentioned Courts (either of the Common or Civil Laws) in the ſaid reſpect; ariſing (as hath been already in part touched) from the different nature of their ſeveral reſpective Juriſdictions. which is, that the ſummons and other proceedings and acts in the Eccleſiaſtical Courts are for the moſt part in order to the Eccleſiaſtical cenſures and ſentences of Excomunication, *&c.* The paſſing of which ſentences & others of like kind, being a part of power of the Keyes which our Lord *Jeſus Chriſt* thought fit to leave in the hands of his Apoſtles and their Succeſſors, and not in the hands of Laymen; the *Kings* of *England* never challenged to belong unto themſelves: but left the exerciſe of that Power entirely to the Biſhops, as the lawful Succeſſors of the Apoſtles, and inheritours of their Power. The regulating and ordering of that power in ſundry circumſtances concerning the outward exerciſe thereof *in foro externo*, the Godly *KINGS* of *Eng-*

England have thought to belong unto them as in the right of their Crown; and have accordingly made Laws concerning the ſame, even as they have done alſo concerning the other matters appertaining to Religion and the Worſhip of God. But the ſubſtance of that power, and the function thereof, as they ſaw it to be altogether improper to their office and calling; ſo they never pretended or laid claim thereunto. But on the contrary, when by occaſion of the title of Supream Head, *&c.* aſſumed by King *Henry* the Eighth, they were charged by the Papiſts for challenging to themſelves ſuch power and authority ſpiritual; they conſtantly and openly diſavowed it to the whole world, renouncing all claim to any ſuch power or authority: As is manifeſt; not onely from the allowed writings of many godly Biſhops, eminent for their learning in their ſeveral reſpective times, in vindication of the Church of *England* from that calumny of the Papiſt; as Archbiſhop *Whitgift*, Biſhop *Bilſon*, Biſhop *Andrews*, Biſhop *Carleton*, and others: but alſo by the Injunctions of Queen *Eli-*

Elizabeth, and the admonition prefixed thereunto; by the 37*th*. Art. of the Church of *England* required to be ſubſcribed by all that take *Orders* in the Church, or Degrees in the Univerſities; and by conſtant declared judgment and practice of the two late Kings of bleſſed memory, King *James*, and King *Charles* the I. They who thus expreſly *diſclaim'd* the medling with Spiritual Cenſures, and the powers of the Keyes, cannot be rationally ſuppoſed to have thought their own preſence (either perſonal or virtual) any way requiſite in the Courts where ſuch *Cenſures* were to be adminiſtred and exerciſed: and therefore doubtleſs could not deem it fit or proper, that in the juridical proceedings of ſuch *Courts* their names ſhould be uſed.

XII.

The ſecond point in the charge objected is, that this Cuſtom uſed by the Biſhops in acting all things in the Eccleſiaſtical Courts in their own Names, grew at firſt from the exorbitant Power of the Popes,

Popes, who laboured what they could to advance their own Greatneſs by *exempting the Clergie* from all Subjection to Temporal Princes, and ſetting up an Eccleſiaſtical Power of Juriſdiction independent upon the Secular: and that the Parliament had that ſenſe of it in the Reign of King *Edward* the Sixth, as the words of the Statute made 1 *Ed.6.* for the altering of the ſaid Cuſtom do plainly intimate.

XIII.

In which part of the Charge there is at the moſt but thus much of truth.

1. That the Biſhops of *Rome* did not omit with all ſedulity to purſue the grand deſign of that *See*, which was to bring all Chriſtian Princes into ſubjection to it ſelf.

2. That all the labouring for Exemption of the Clergy from the Secular Powers, was in order to that deſign.

3. That the Biſhops manner of uſing their own Names in all acts of their Juriſdiction, (looked upon alone and by it ſelf, without any conſideration of the

true reaſons thereof) doth carry by ſo much the more ſhew of ſerving the Papal Intereſt, than if they ſhould do all in the Kings Name, by how much the acknowledging the Kings Supremacy Eccleſiaſtical is leſs apparent therein, than in the other.

4. That the want of ſuch an expreſs Acknowledgment of the Kings Supremacy, together with the Jealouſies the State had in thoſe times, over any thing that might ſeem to further or favour the Uſurped Power of the Pope in the leaſt degree, might very probably in this particular (as well as it did in ſome other things) occaſion ſuch men as bear the greateſt ſway in managing the publick affairs in the beginning of that godly (but young) Kings Reign, out of a juſt deteſtation of the Papacy to endeavour over haſtily the aboliſhing of whatſoever was with any colour ſuggeſted unto them to favour of Popery, without ſuch due examination of the grounds of thoſe Suggeſtions, as was requiſite in a matter of ſo great importance.

XIV.

XIV.

This is all we can (perhaps more than we need) yield unto in this point of the Charge. But then there are ſome other things which we cannot eaſily aſſent unto: as, *viz.*

1. *That this Cuſtom had unàoubtedly its original and growth from the Popes Uſurped Power.* Which as we think it impoſſible for them to prove, ſo it ſeemeth to us the leſs probable, becauſe by comparing of this courſe uſed in the Eccleſiaſtical Courts with the Practice of ſundry other Courts, ſome of like, ſome of different nature thereunto, we have already ſhewed the true reaſons and grounds of the difference between ſome Courts and other ſome in this particular.

2. *That it is a Rag or Relique of Antichriſtian Tyranny.* Which we believe to be altogether untrue; not onely for the Reaſons before ſpecified, and for that the ſame is done in ſundry other Courts holden within this Realm, without any note of Antichriſtianiſm or Popery faſtned thereupon; but alſo becauſe it hath been

been conſtantly continued in this Kingdom, (the ſhort Reign of King *Edward* the Sixth onely excepted) with the Allowance of all the Proteſtant Kings and Queens of this Realm ever ſince the Reformation. Who, although they be ever and anon taxed by the Puritan Faction (unjuſtly and inſolently enough) for want of a Through Reformation, and leaving ſo much Popiſh traſh unpurged in the point of Worſhip and Ceremonies; yet have not uſually been blamed by that Party for being wanting to themſelves in vindicating to the utmoſt their Regal Authority and Supremacy Eccleſiaſtical, from the Uſurped Power of the Biſhop of *Rome*, in any thing wherein they conceived it to be in any wiſe or degree concerned. As alſo becauſe this manner of proceeding in the Courts Eccleſiaſtical hath been conſtantly and without ſcruple of Conſcience, or ſuſpition of Popery, uſed and practiſed by all our godly and orthodox Biſhops; even thoſe who have been the moſt zealous Maintainers of our Religion againſt the Papiſts, and ſuch as have particularly written againſt the Antichriſtian Tyranny of the Pope,

or

or in defence of the Kings Supremacy in matters Eccleſiaſtical, as *Jewel*, *Bilſon*, *Abbot*, *Buckridge*, *Carleton*, and many others.

XV.

But againſt all this that hath been ſaid, how agreeable ſoever it may ſeem to truth and reaſon, may be oppoſed the Judgment of the whole Realm in Parliament, (the Biſhops themſelves alſo then ſitting and voting as well as other the Lords and Commons) in the firſt year of the Reign of King *Edward* the Sixth, who thought fit by their Act to alter the aforeſaid Form, and that upon the two aforeſaid grounds, *viz.* that it was contrary to the form and order of the Common Law Courts, and according to the form and manner uſed in the time of the Uſurped Power of the Biſhop of *Rome*. Which being the laſt and weightieſt point in the Charge, is the moſt conſiderable, in that beſides its own ſtrength, it giveth alſo further ſtrength and confirmation to the other two.

XVI.

XVI.

But for Anſwer unto this Argument drawn from the Judgment of the Parliament, as it is declared in the Statute of 1 *Edw.6.* I would demand of the Objectors, where they place the chief ſtrength of the Argument; whether in the Authority of the Perſons, (*viz.* the great Aſſembly of State convened in Parliament) ſo judging; or in validity of thoſe Reaſons which led them ſo to judge. If in this latter their Judgment can weigh no more, than the Reaſons do whereon it was built; the frailty whereof we have already examined and diſcovered. If in the Authority of the Judges, we lay in the balance againſt it the Judgment of the Kingdom in all the Parliaments after the deceaſe of King *Edward* for above fourſcore years together; the firſt whereof repealed that Statute, and none of thoſe that followed (for ought appeareth to us) ever went about to revive it.

XVII.

XVII.

If it ſhall be ſaid firſt, That the Enacting of that Statute by King *Edward*, was done in order to the further aboliſhing of Popery, and the perfecting of the Reformation begun by his Father: I anſwer, That as it was a very pious care, and of ſingular example in ſo young a Prince, to intend and endeavour the Reformation of Religion and the Church within his Realms, (for which even at this day we have cauſe to acknowledge the good Providence of Almighty God in raiſing him up, to become ſo bleſſed an Inſtrument of his Glory and our Good:) ſo on the other ſide we cannot doubt, but that the buſineſs of Reformation under him was carried on with ſuch mixture of private ends, and other humane frailties and affections, as are uſually incident into the enterpriſing of great affairs, eſpecially ſuch as cannot be effected without the aſſiſtance of many Inſtruments. All of which in likelyhood being not of one Judgment and Temper, but having their ſeveral Inclinations,

nations, Paſſions, and Intereſts, with great difference; the Product of their Endeavours (whatſoever ſincerity there were in the intentions of the firſt Mover) muſt needs be ſuch, as the conſtitution of the moſt prevalent Inſtruments imployed in the work would permit it to be. The very Name of Reformation of Religion and Manners, and of Abuſes crept into the Church or *Commonwealth*, carrieth with it a great deal of outward glory and luſtre, filling the hearts of men with expectations of much happineſs to enſue, and in that hope is evermore entertained with general applauſe, eſpecially of the vulgar ſort; becauſe men look upon it as it were in the *Idea*, (that is to ſay, as it is fancied and deviſed in the mind and imagination) and abſtractedly from thoſe *impediments* and inconveniences, which when they come *ad practicandum*, and to put their thoughts in execution, they ſhall be ſure to meet withall more or leſs, to render the performance ſhort of the promiſe and expectation.

XVIII.

Now becauſe Reformation is ſo much talked of in theſe evil days of ours, wherein thouſand of well-meaning People have been ſeduced into dangerous by-paths by that ſpecious Name; it will not be amiſs, (though we may ſeem perhaps to digreſs a little for it) to prompt the Reader to ſome Conſiderations, that may incline him rather to ſuſpect a thing to be ill done, than to be confident that it is well done, if he have no other reaſon of that confidence but this, that it is pretended to be done by way of Reformation.

XIX.

It is conſiderable *Firſt*, that Reformation is the uſual vizard, wherewith men of inſatiable avarice or ambition diſguiſe their baſe unworthy intentions, that the uglineſs thereof may not appear to vulgar eyes. Seldom hath any Sacrilegious or Seditious attempt appeared abroad in the world, and been countenanced

ced either by the Great ones or the Many, which hath not been uſhered in by this piece of Hypocriſie. Not to look further (backward or forward) for Inſtances in both kinds, than to the Reign of that King, wherein the Statute ſo much inſiſted upon was made; it cannot be denied, but that during the Reign of that Religious and Godly young King, (without his knowledge as we verily hope and believe, or at moſt through the malicious ſuggeſtions and cunning inſinuations of ſome that were about him) ſuch Sacrileges were acted, and that under the name and pretence of Reformation, as have caſt a very foul blemiſh upon our very Religion, eſpecially in the eyes of our Adverſaries, who have ever ſhewed themſelves forward enough to impute the faults of the Perſons to the Profeſſion. And under the ſame pretence of Reformation were alſo masked all the Bloud-ſhed, Miſchiefs, and Outrages committed by *Kett*, and his Seditious Rabble, in the ſame Kings Reign; in ſo much as a great Oak whereat they appointed their uſual Meetings, and whereon (by the juſt Judgment of God) him-

himſelf the Ringleader of that Rebellion was afterwards hanged, was by them called the Oke of Reformation. By what was done in thoſe times (ill enough indeed, yet modeſtly in compariſon of what hath been done in ours) we may have a near gueſs what their meaning is, that are ſo eagerly ſet upon a Thorow Reformation (as they call it) in the Church, in the *Commonwealth*, in the Univerſities; even to get into their own hands and diſpoſal all the Places and Offices of Power or Profit in them all. I dare not ſay, (for truly of ſome I believe the contrary, and hope the ſame of many more) that all thoſe that joyn in vote or act with thoſe plauſible Pretenders of Reformation, or wiſh well unto them in the ſimplicity of their hearts, are guilty of their abominable Hypocriſie. But ſure all Experience ſheweth, that in great Councils there are ever more ſome one or a few δημαγωγοὶ, active and cunning men, that are able by the reputation of their Wiſdom and Abilities of Speech, to carry all buſineſſes in the vogue even as themſelves have before hand cloſely contrived them; leading

ing on the reſt as a Bell-weather doth the whole Flock, or as a crafty Foreman of a Jury doth the whole Dozen, which way ſoever they pleaſe; who follow tamely after (*quà itur, non quà eundum*) in an implicit Belief, that that muſt needs be the right way, which they ſee ſuch skilful Guides to have taken before them.

XX.

But ſay there were no ſuch reſerved ſecret ſiniſter ends either in the cheif Agents or their Miniſters, but that a juſt Reformation were as really and ſincerely intended by them all, as it is by ſome of them ſpeciouſly pretended: yet is it conſiderable *Secondly*, how very difficult a thing it is, in the buſineſs of Reformation to ſtay at the right point, and not to overdo, by reaſon of that ἐυμέλεια τῆς ἀνθρωπίνης, whereby we are very apt in declining one of the *extreams* to fall into the other, either in point of opinion or practice. In deteſtation of the hereſie of *Neſtorius*, who diſtinguiſhed the perſons in Chriſt, becauſe he knew there were two natures; *Eutyches* went

went ſo far as to confound the natures, becauſe he knew there was but one perſon. And becauſe the Papiſts by the multitude and pompouſneſs of their Ceremonies had taken away much of the inward vigour of Gods publick worſhip, by drawing it too much outward; the Puritans in oppoſition to them, and to reform that errour, by ſtripping it of all Ceremonies have left it ſo bare, that (beſides the unſeemlineſs) it is well nigh ſtarved for want of convenient clothing. It is in the diſtempers of the body politick in this reſpect not much otherwiſe than it is in thoſe of the Body natural. In an Ague, when the cold fit hath had his courſe, the Body doth not thence returne to a kindly natural warmth, but falleth ſpeedily into a burning preternatural heat, nothing leſs (if not rather more) afflictive than the former. And how often have Phyſicians, (not the unlearned Empericks onely, but even thoſe beſt renowned for their Skill and Judgment,) by tampering with a crazy body to maſter the predominancy of ſome noxious humor therein, caſt their Patients ere they were aware un-

der the Tyranny of another and contrary Humour as perilous as the former: or for fear of leaving too much bad blood in the Veins, have letten out too much of the vital ſpirits withal. Onely the difference is, that in bodily diſeaſes this courſe may be ſometimes profitably experimented, and with good ſucceſs; not onely out of neceſſity, when there is no other way of cure left, (as they uſe to ſay, *Deſperate Diſeaſes muſt have deſperate Remedies*:) but alſo out of choice, and in a rational way; as *Hippocrates* adviſeth in the caſe of ſome cold Diſeaſes to caſt the Patient into a burning Feaver, which he calleth πῦρ ποιῆν. And I remember to have read ſomewhere to that purpoſe ſuch an Aphoriſme as this, *Utile eſt innaſci febrem in ſpaſmo.* But for the remedying of Moral or Politick diſtempers, it is neither warrantable nor ſafe to try ſuch experiments: Not warrantable; becauſe we have no ſuch rule given us in the Word of God whereby to operate: nor ſafe; becauſe herein the Mean only is commendable, all Extreams (whether in defect or exceſs) vitious. Now what defects

fects or exceſſes there might be in the Reformation of Religion and the Church within theſe Realms during the Raigns of King *Henry* the *VIII.* King *Edward* the *VI.* and Queen *Elizabeth*; it doth not become me, neither is it needful, to examine. But ſure it is, they that had the managery of thoſe affairs in their ſeveral reſpective Times were ὁμοιοπαθεῖς ἡμῖν, made of the ſame Clay with other Men, ſubject to infirmities and paſſions, and to be byaſſed with partial affections, and thoſe affections capable to be enflamed with zeal, cooled with delayes, enraged by oppoſition, and allayed by ſeaſonable applications. And therefore although we cannot ſay for certain with what affections thoſe Reformers in the beginning of King *Edward*'s Reign were ſteered in the whole buſineſs: yet it is very poſſible, and in this particular of the Statutes, (from the weakneſs of the *reaſons* therein expreſſed) not improbable, that the jealouſies they had of the Papal power ſo lately ejected might make them more abundantly cautelous and ſolicitous to ſecure themſelves there

againſt, then need required. Verily the temper of thoſe Times and Men, and the Reformation made about thoſe times in other Countreys conſidered; we have far greater cauſe to bleſs God that in their then-Reformation in very many things they did not a great deal worſe, than to blame them that in ſome few things they did not a little better, than they have done.

XXI.

It is further conſiderable *Thirdly*, that where a Reformation is truly intended, and the thing it ſelf intended by that Reformation to be eſtabliſhed is alſo within a tolerable compaſs of Mediocrity; there may yet be ſuch errour in the choice of the means to be uſed for the accompliſhing of thoſe intentions, as may vitiate the whole work, and render it blameworth. For although it be a truth ſo expreſly affirmed by the Apoſtle, and ſo agreable to the dictates of right reaſon [*That we may not do any evil thing for any good end*] as that I ſhould ſcarce have believed it poſſible that any man that pre-

pretended to be Chriſtian or but reaſonable, ſhould hold the contrary, had I not been advertiſed by very credible perſons that ſome men of eminent place and power did ſo, by diſtinguiſhing (but beſide the Book, and where the Law diſtinguiſheth not) between a publick and a private good End: yet the eagerneſs of moſt men in the purſuance of ſuch ends as they are fully bent upon, and their pride of ſpirit diſdaining to be croſſed in their purpoſes, and impatient of meeting with any oppoſition; putteth them many times upon the uſe of ſuch means as ſeem for the preſent beſt conducing to the ends they have propoſed to themſelves, without any ſufficient care to examine whether ſuch *means* be lawful or not. For either they run on headlong and are reſolved not to ſtick at any niceties of conſcience, but being ingaged in a deſign to go through with it *per fas & nefas*; meaſuring honeſty by utility: or elſe they gather up any thin fig-leaves where they can meet with them to hide the deformity of their actions if it were poſſible even from their own eyes; and are willing their

affections ſhould bribe and cheat their judgments with any weak reaſons to pronounce that *law-ful* to be done which they have a mind to do, the ſecret checks and murmurings of their Conſciences to the contrary notwithſtanding. Hence it is, that whereas Men ought to conform all their wills and actions to the exact Rule of God's Word, they do ſo often in ſtead thereof crooken the Rule to make it comply with their actions and deſires; raiſing ſuch Doctrines and Concluſions from the ſacred Texts of Scripture by forced inferences, as will beſt ſerve to give countenance to whatſoever they fancy to be, or pleaſe to call Reformation; and to whatſoever means they ſhould uſe for the effecting of ſuch Reformation, though it were by popular Tumults, civil War, deſpiſing Governours, breaking Oaths, open Rebellion, or any other act how unjuſt ſoever and full of diſloyalty. Which made Learned *Zanchy*, obſerving in his time how *Anabaptiſts* and all ſorts of Sectaries, that attempted to bring in any new and unheard of alteration in Religion into the Churches of Chriſt, by any means

means though never ſo ſeditious and unlawful, did yet juſtifie all their enterpriſes by this, that they were done in order to a more perfect Reformation, to cry out, *Ego non intelligo iſtam Reformatorum mundi Theologiam.* Whether this obſervation be ſo fitly appliable to thoſe times of King *Edward*'s Reformation; as the two former conſiderations were, I know not: I am ſure it fitteth but too well to theſe evil times of ours, wherein the pretence of a thorow-Reformation ſerveth as a foil to ſet off the blackeſt crimes that ever the Chriſtian world was guilty of.

XXII.

Laſtly, Say there ſhould be nothing amiſs in any of the premiſſes, but that the Intentions were ſincere, the Proceedings moderate, and the Means lawful: yet ſince no wit of Man is at the preſent able to foreſee all the inconveniences that may enſue upon any great and ſuddain change of ſuch Laws and Cuſtomes as have been long and generally obſerved, till time and experience diſcover them; it may very well (and not ſeldome doth) come to paſs, that the

the Reformation intended for the remedying of ſome one abuſe, or the preventing of ſome preſent apparant inconvenience, may open a gap to let in ſome other abuſes or inconveniences, which (though yet undiſcerned) may in time prove to be more and greater, than thoſe that were ſought to be remedied. Phyſicians tell us that all ſudden changes in the Body are dangerous: and it is no otherwiſe in the *Church* and State. Which is the ground of that Maxime, well approved of all wiſe Men, if rightly underſtood, *Malum bene poſitum non movendum* : and of that other, ſo famous in the Ancient Councels, ἀρχαῖα ἤδη κρατείτω, Let the old Cuſtomes be obſerved; and therefore *Ariſtotle* gravely cenſureth that Law made by *Hippodamus* the Mileſian Law-giver, That whoſoever ſhould deviſe any new Law for the common Good ſhould be rewarded by the State, as a Law indeed fooliſh and pernicious, how ſpecious and plauſible ſoever it ſeemed at the firſt appearance: becauſe (ſaith he) it would but encourage buſie and active ſpirits to be always innovating ſome thing or other in

in the State, which might finally tend to the ſubverſion of all ancient Laws and Cuſtomes, and conſequently of the whole Government it ſelf. Now that the Reformation in King *Edward*'s Days, as to this particular in that Statute concerned, was ſubject at leaſt to this frailty, we may very probably gather (*à poſteriori*) from this; that after it was once repealed, they that had to do in the Reformation ever ſince, thought it fit rather to let it lye under that repeal, than to revive it.

XXIII.

There can be no doubt, but that to an objection made from the force of a Statute, it is a ſufficient anſwer (if it be true) to ſay that the ſaid Statute hath been repealed and ſo continueth. Yet the Adverſaries of *Epiſcopacy* are ſo pertinaciouſly bent to hold their Concluſion in deſpite of all Premiſſes, that they ſeem to be nothing ſatiſfied therewithall, but dividing the anſwer, turn the former part of it (*viz* that of the *Repeal*) to their own advantage. For ſay they, that

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Repeal being made by Queen *Mary*, who was a profeſſed Papiſt, and a Perſecutor of the Proteſtant Religion, was certainly an Act of hers done in favour of Popery; and ſo is a ſtrong confirmation, that the form of proceeding formerly uſed by the Biſhops in the Eccleſiaſtical Courts, prohibited by the Statute of King *Edward*, but reſtored by that her *Repeal*, was Popiſh practice, and more befitting Papiſts than Proteſtants to uſe.

XXIV.

To return a full anſwer hereunto; *Firſt* it ſhall be willingly granted, that Queen *Mary*, being a zealous Papiſt, did cauſe that Statute made in the firſt of her Brothers Reign to be repealed out of pure zeal to the *Romiſh* Religion, and in favour of the *Pope* and of his Juriſdiction. Both becauſe ſhe conceived (which was true) that her late Brother being a Proteſtant had by that Statute prohibited the Biſhops to do ſundry things in their own names, of purpoſe thereby to leſſen the Popes Authority within his Realms; as alſo becauſe their uſing of the King's Name in their Proceſſes and Acts carried with

with it (as we formerly granted) a more expreſs and evident acknowledgment of the King's Supremacy Eccleſiaſtical, than the contrary cuſtome doth.

XXV.

But then *Secondly*, this being granted, it will by no means follow either *firſt*, that the repeal of that Statute is not to be valued by any Proteſtant; or that *ſecondly* the cuſtome of the Biſhops prohibited by the Statute and reſtored by the Act of Repeal, was Popiſh; or *thirdly*, that our former anſwer was inſufficient: not the *firſt*, becauſe we are not to look upon the Statute, and upon the Act of Repeal, as they were made, the one by a Proteſtant the other by a Papiſt (for that were to judge κατ' ὄψιν, and with reſpect of Perſons;) but to conſider whether the reaſons whereupon the Statute was grounded were *in veritate rei* ſuch, as that it ought not to have been repealed either by Papiſt or Proteſtant. Which reaſons how they have been valued, appeareth upon the poſt-fact in this; that

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a Papiſt Princeſs by the Principles of her Religion could do no leſs than repeal that Statute, and a Proteſtant Princeſs without prejudice to the Principles of her Religion might continue that Repeal.

XXVI.

Not the *ſecond:* becauſe that very Statute of 1 *Edw.6.* by which it is ordained that all Summons, Citations, and other Proceſſes Eccleſiaſtical, be made in the Name and with the Style of the King, doth it ſelf ſufficiently abſolve the contrary Cuſtom formerly uſed by the Biſhops acting in their own Names, from being either Popiſh or otherwiſe derogatory to the Kings Supremacy. In as much as by *Proviſo's* in the ſaid Statute the Biſhops are ſtill permitted in ſome caſes to uſe their own Names, without any mention at all to be made of the King: as namely the Archb. of *Canterbury*, to grant Faculties and Diſpenſations; and every other Biſhop to make Collations, Preſentations, Inſtitutions, and Inductions of Benefices, Letters of Orders and

and Dimiſſories, &c. under their own Names and Seals, as by the words of the ſaid Statute doth plainly appear. Which ſure would not have been permitted in any caſe, had the thing it ſelf been by them conceived to have been ſimply and *de toto genere* either Popiſh or prejudicial to the Regal Power.

XXVII.

Not the *Third:* becauſe they disjoynt our former anſwer that they might make their advantage of the one peice of it ſevered from the other. For the ſtrength of the anſwer (it being copulative) was not to lye in either part alone, but in both together taken joyntly; and indeed more principally in the later part which they ſlightly put off, than in the former whereat they take advantage. We do not ſay that the objecting of that Statute is of little moment againſt us, becauſe it was repealed by Queen *Mary* (though that Repeal alone is ſufficient to make it void and invalid as to all effects in Law:) but becauſe being then repealed it was never after re-

revived in the Raigns either of Queen *Elizabeth*, King *James*, or his Majeſty that now is: which ſheweth that the Act of Repeal (as to the point now in diſpute) was by them approved of, and intended to continue in force. And it will thence follow further and moſt clearly, that in the judgment of all theſe wiſe and religious Princes, there was a great difference betwen the Papal and the Epiſcopal Juriſdiction, as they had been either of them exerciſed within theſe Realms: and that the Papal was prejudicial to the Regal Power and Supremacy, but the Epiſcopal was not.

XXVIII.

Neither doth that ſuffice which is put in by way of Reply hereunto, to alledge that the continuance of the old cuſtom (after the Repeal made) happened either through inadvertency of the State, or by reaſon of the great power ſome or other of the Biſhops ever had with thoſe Princes. For it cannot be doubted but that the State, having before them a Precedent of ſo late and freſh me-

memory as the Statute of 1 *Ed. 6.* would at ſome time or other within the ſpace of fourſcore years (eſpecially there being no want in thoſe days of enough greedy Great-ones and factious Diſciplinarians to remind them of it) have taken a time to frame and paſs a Bill for the reviving of that Statute: if they had deemed the cuſtom, therein forbidden, Popiſh or derogatory either to the Kings honour or power, or had not rather found ſufficient reaſon to perſwade them that the ſaid Statute was inconvenient, or at leaſt wiſe uſeleſes. And as for the Biſhops, they that underſtand the condition of thoſe firſt times well know that (under God and his good providence) they ſtood in a manner by the immediate and ſole favour of Queen *Elizabeth*. The Papiſts on the one ſide hated them above all other ſorts of Men, becauſe of their Religion, and their abilities above all other Men to defend it. On the other ſide the Puritans who envied their power, and ſome great ones about the Court, who having taſted the ſweet of Sacriledge in the times of the two laſt Kings, thirſted after the remainder of

their Revenues, complied either with other, for their ſeveral reſpective ends, againſt the Biſhops. Which being ſo, it had been the fooliſheſt thing in the world for the Biſhops, to have uſed that power or intereſt they had with the Queen, (upon whoſe favour or diſpleaſure their whole Livelihood depended) for the procuring of her conſent to any Act to be done in favour of them, that Malice it ſelf could with any colourable conſtruction interpret either to favour of Popery, or to trench upon the Royal Supremacy; that Queen having both by her Sufferings before, and Actions after ſhe came to the Crown, ſufficiently witneſſed to the World her averſneſs from Popery; and being withall a Princeſs of a great Spirit, and particularly jealous in the point of Prerogative.

XXIX.

Whence I think we may (with good reaſon) conclude, *that the ancient cuſtom of the Biſhops in making Summons, &c.* in their own Names, after it was by the Act of Repeal 1 *Mar.* reſtored, was continued by

by Queen *Elizabeth* and her Succeſſors ever ſince without interruption, or reviving of the Statute of King *Edward*: neither out of any inadvertency in the State, nor through any importune or indirect labouring of the Biſhops, as by the Objectors is weakly preſumed; but adviſedly and upon important conſiderations, *viz.* that the deviſing of ſuch a new way, as is ſet forth and appointed in the ſaid Statute, was not onely a needleſs thing, (and Laws ſhould not be either made or altered, but where it is needful ſo to do) but ſubject alſo to manifeſt both inconvenience and ſcandal.

XXX.

That it was altogether needleſs to change the old Cuſtom may appear by this, that all the imaginable neceſſity or utility of ſuch a change could be onely this: To ſecure the King by uſing his Name in their Proceſſes, &c. (as a real acknowledgment that their Juriſdiction is derived from him and no other) that the Biſhops had no intention in the exercife of their Epiſcopal Power to uſurp

upon his Eccleſiaſtical Supremacy. Which Supremacy of the King, and Superiority of his Juriſdiction and Authority over that which the Biſhops exerciſed, being already by ſo many other ways and means ſufficiently ſecured, it could argue nothing but an impertinent jealouſie, to endeavour to ſtrengthen that ſecurity by addition of ſo poor and inconſiderable regard.

XXXI.

The Kings of *England* are ſecured againſt all danger that may accrue to their Regal Power from Epiſcopal Juriſdiction as it hath been anciently and of later times exerciſed in this Realm: *Firſt*, by the extent of their Power over the Perſons and Livelyhoods of the Biſhops, and over the whole State Eccleſiaſtical, as in the ancient right of a Crown, which how great it was, may appear by theſe three Particulars.

XXXII.

Firſt, The Collation and Donation of Biſhopricks, together with the Nomination of the Perſons to be made Biſhops, in caſe they did by their Writ of *Conge d'eſlier* permit the formality of Election to others, did always belong to the Kings of this Realm, both before and ſince the Conqueſt, as in right of their *Crown*. Our Learned Lawyers aſſure us, that all the Biſhopricks of this Realm are of the Kings Foundation; that they were originally Donative, and not Elective; and that the ful right of Inveſtiture was in the King, who ſignified his pleaſure therein *per traditionem baculi & annuli*, by the delivery of a Ring and a Croſier-ſtaff to the Perſon by him elected and nominated for that Office. The Popes indeed often eſſayed to make them Elective, either by the Dean and Canons of the Cathedral, or by the Monks of ſome principal Abby adjoyning: but the Kings ſtill withſtood it, and maintain-

See Stat. 25 *H.*8. 20. 1 *Ed.*6. 2.

Coke 1 *Inſt.*2. *ſect.*648.

ed their right as far as they could or durſt. Inſomuch as King *Henry* the Firſt being earneſtly ſollicited by the Pope to grant the Election of Biſhops to the Clergy, *conſtanter allegavit* (ſaith the ſtory) and *verbis minacibus*, he ſtoutly and with threats refuſed ſo to do, ſaying he would not for the loſs of his Kingdom loſe the right of thoſe Inveſtitures. It is true that King *John*, a Prince neither fortunate nor courageous, being overpowered by the Popes, did by Charter in the ſeventeenth year of his Reign grant, that the Biſhopricks of *England* ſhould be Eligible. But this notwithſtanding in the Reign of King *Edward* the Third, it was in open Parliament declared and enacted, that to the King and his Heirs did belong the Collation of Archbiſhopricks, &c. and all other Dignities that are of his Advowſon; and that the Elections granted by the Kings his Progenitors were under a certain form and condition, *viz.* that they ſhould ask leave of the King to elect, and that after the Election made, they ſhould obtain the Kings conſent thereunto; and not otherwiſe.

XXXIII.

XXXIII.

Secondly, The King hath power, if he ſhall ſee cauſe, to ſuſpend any Biſhop from the execution of his Office for ſo long time as he ſhall think good; yea, and to deprive him utterly of the Dignity and Office of a Biſhop, if he deſerve it. Which Power was *de facto* exerciſed both by Queen *Mary* and Queen *Elizabeth*, in the beginning of their ſeveral Reigns, upon ſuch Biſhops as would not conform to their Religion.

XXXIV.

Thirdly, The Kings of *England* have a great power over the Biſhops in reſpect of their Temporalities, which they hold immediately of the King *per Baroniam*: and which every Biſhop Elect is to ſue out of the Kings hands, (wherein they remained after the deceaſe of the former Biſhop during the Vacancy) and thence to take his onely Reſtitution into the ſame, making Oath and Fealty to the King for the ſame upon his Conſecrati-

on. Yea, and after ſuch Reſtitution of Temporalities and Conſecration, the King hath power to ſeize the ſame again into his own hands, if he ſee juſt cauſe ſo to do. Which the Kings of *England* in former times did ſo frequently practiſe upon any light diſpleaſure conceived againſt the Biſhops; that it was preſented as a Grievance by the Archbiſhop of *Canterbury*, and the other Prelates, by way of Requeſt to King *Edward* the Third in Parliament, and thereupon a Statute was made the ſame Parliament, that thenceforth no Biſhops Temporalities ſhould be ſeized by the King without good cauſe. I find cited by Sir *Edward Coke*, out of the Parliament Rolls 18 *H.*3. a Record wherein the King ſtreightly chargeth the Biſhops not to intermeddle in any thing to the prejudice of his Crown; threatning them with Seizure of their Temporalities if they ſhould ſo do. The words are, *Mandatum eſt omnibus Epiſcopis, qui conventuri ſunt apud Glouceſtr'*, (the King having before ſummoned them by Writ to a Parliament to be holden at *Glouceſter*)

Stat. for the Clergie, 14 E.3.c.3.

ſter) firmiter inhibendo, quod ſicut Baronias ſuas quas de Rege tenent diligunt, nullo modo præſumant concilium tenere de aliquibus quæ ad Coronam pertinent, vel quæ perſonam Regis vel Statum ſuum, vel Statum Concilii ſui contingunt ; ſcituri pro certo quod ſi fecerint, Rex inde capiet ſe ad Baronias ſuas, &c. By which Record, together with other the premiſſes, it may appear, that the Kings by their ancient right of Prerogative had ſundry ways power over the Biſhops whereby to keep them in obedience, and to ſecure their Supremacy from all peril of being prejudiced by the exerciſe of Epiſcopal Juriſdiction.

XXXV.

Yet in order to the utter aboliſhing of the Papal Uſurpations, and of all pretended Forein Power whatſoever in matters Eccleſiaſtical within theſe Realms, divers Statutes have been made in the Reign of King *Henry* the Eighth, and ſince, for the further declaring and confirming of the Kings Supremacy Eccleſiaſtical. Wherein the acknowledgment of that Supremacy is either ſo expreſly

preſly contained, or ſo abundantly provided for; as that there can be no fear it ſhould ſuffer for lack of further acknowledgment to be made by the Biſhops in the ſtyle of their Courts. Amongſt others, *Firſt* by Statute made 25 *H.*8.19: upon the Submiſſion and Petition of the Clergy it was Enacted, that no Canons or Conſtitutions ſhould be made by the Clergy in their Convocation, without the Kings Licence firſt had in that behalf, and his Royal Aſſent after: and likewiſe that no Canon, &c. ſhould be put in execution within the Realm, that ſhould be contrariant or repugnant to the Kings Prerogative Royal, or the Cuſtoms, Laws, or Statutes of this Realm. Then *Secondly*, by the Statute of 1 *Eliz. cap.*1. all ſuch Eccleſiaſtical Juriſdictions, Privileges, Superiorities, and Preeminences, as had been exerciſed or uſed, or might be lawfully exerciſed or uſed, by any Eccleſiaſtical Power or Authority was (declared to be) for ever united and annexed to the Imperial Crown of this Realm. And *Thirdly*, it was alſo in the ſame Statute provided, that the Oath of Supremacy (wherein there

there is contained as full an Acknowledgment of the Kings Eccleſiaſtical Supremacy as the Wit of Man can deviſe) ſhould be taken by every Archbiſhop and Biſhop, &c. which hath been ever ſince duly and accordingly performed.

XXXVI.

Laſtly, From receiving any prejudice by the Biſhops and their Juriſdiction, the Regal power is yet farther ſecured, by the ſubordination of the Eccleſiaſtical Lawes and Courts to the Common Law of *England*, and to the King's own immediate Courts. For although the Eccleſiaſtical Laws be allowed by the Laws of this Realm, and the proceedings in the Eccleſiaſtical Courts be by the way of the Civil, and not of the Common Law: yet are thoſe Laws and proceedings allowed with this limitation and condition, that nothing be done againſt the common Law (whereof the *Kings* Prerogative is a principal part) nor againſt the Statutes and Cuſtomes of the Realm. And therefore the Law alloweth Appeales to be made from the Eccleſiaſtical Courts to the *King* in *Chancery*: and

and in ſundry caſes, where a cauſe dependeth before a Spiritual Judge, the *King*'s prohibition lyeth to remove it into one of his Temporal Courts.

XXXVII.

Having ſo many ſeveral ties upon the Biſhops to ſecure themſelves and their Regal authority from all danger that might ariſe from the abuſe of the Eccleſiaſtical Power and Juriſdiction exerciſed by the Biſhops in their Courts (by the ancient prerogative of their Crown, by the proviſions of ſo many Statutes and Oaths, by the remedy of the Common Law :) the *Kings* of *England* had no cauſe to be ſo needleſly cautelous as to be afraid of a meer formality, the Style of a *Court*. Eſpecially conſidering the importance of the two Reaſons expreſſed in the Statute of King *Edward*, as the onely grounds of altering that Style, not to be ſuch as would countervail the Inconvenience and Scandal that might enſue thereupon.

XXXVIII.

XXXVIII.

For whereas it was then thought convenient, to change the Style uſed in the Eccleſiaſtical Courts, becauſe it was contrary to the form uſed in the Common-Law-Courts within this Realm, (which is one of the Reaſons in the ſaid Statute expreſſed:) it might very well upon further conſideration be afterward thought more convenient for the like reaſon to retain the accuſtomed Style, becauſe otherwiſe the forme of the Eccleſiaſtical Courts would be contrary to the form of other Civil-Law-Courts within the Realm (as the Admiralty, and Earl-Marſhals Court,) and of other Courts of the Kings grant made unto Corporations; with either of which, the Eccleſiaſtical Courts had a nearer affinity, than with the *Kings* Courts of Record, or other his own immediate Courts of Common Law. Nor doth there yet appear any valuable reaſon of difference, why Inconformity to the Common Law-Courts ſhould be thought a ſufficient ground for the altering of the

the forms uſed in the Eccleſiaſtical Courts; and yet the like forms uſed in the Admiralty, in the Earl-marſhals Court, in Courts Baron, in Corporation Courts, *&c*, ſhould (notwithſtanding the ſame inconformity) continue as they had been formerly accuſtomed without alteration.

XXXIX.

If any ſhall alledge as ſome reaſon of ſuch difference, the other Reaſon given in the ſaid Statute; *viz.* that the form and manner uſed by the Biſhops, was ſuch as was uſed in the time of the uſurped power of the Biſhop of *Rome*: beſides that therein is no difference at all, (for the like forms in thoſe other *aforeſaid Courts* were alſo in uſe in the ſame time;) there is further given thereby great occaſion of *Scandal* to thoſe of *the Church of Rome*. And that *two* ways: *Firſt*, as it is made *a Reaſon* at all; *Secondly*, as it is applyed to the particular now in hand. *Firſt*, whereas the Papiſts unjuſtly charge the Proteſtant Churches with Schiſm for departing from their Communion: it could not but be a great Scandal to them, to confirm them in that

that their uncharitable opinion of us, if we ſhould utterly condemn any thing as unlawful, or but even forbid the uſe of it as inexpedient, upon this onely ground or conſideration, that the ſame had been uſed in the times of Popery, or that it had been abuſed by the Papiſts. And truly the Puritans have by this very means given a wonderful Scandal and advantage to our Adverſaries, which they ought to acknowledge and repent of: when tranſported with an indiſcreet zeal they have cryed down ſundry harmleſs Ceremonies and cuſtoms as ſuperſtitious and Anthichriſtian, only for this that Papiſts uſe them. Whereas godly and regular Proteſtants think it agreable to Chriſtian liberty, charity and prudence, that in appointing Ceremonies, retaining ancient Cuſtomes, and the uſe of all other indifferent things ſuch courſe be held, as that their moderation might be known to all men; and that it might appear to their very Adverſaries, that wherein they did receed from them, or any thing practis'd by them, they were not thereunto carried by a Spirit of contradict', but either caſt upon it by ſom

ne-

neceſſity of the times, or induced for juſt reaſons of expediency ſo to do.

XL.

But then *Secondly*, as that Reaſon relateth to the preſent buſineſs in particular, the Scandal thereby given is yet greater. For we are to know, that when king *Henry* the VIII. aboliſhed the Papal Power, reſuming in his own hand the ancient Rights of the Crown, which the Biſhops of *Rome* had unjuſtly uſurped: he took upon Himſelf alſo that title which he then found uſed by the Biſhops of *Rome*, but which none of his Progenitors the Kings of this Realm had ever uſed, of being the Supream Head of the Church within his Dominions. This title continued during the Raign of his Son King *Edward* the VI. by whom the Statute aforeſaid was made, and is mentioned in that very Statute. Now albeit by that title or appellation was not intended any other thing, than that Supremacy Eccleſiaſtical which the Kings of this Land have, and of right ought to have, in the Governance of

of their Realms over all perſons and in all cauſes Eccleſiaſtical as well as other, and which is in the Oath of Supremacy acknowledged to belong to them: yet the Papiſts took Scandal at the novelty thereof, and glad of ſuch an occaſion made their advantage of it, to bring a reproach upon our Religion; as if the Proteſtants of *England* were of opinion, that all Spiritual Power did belong unto the King, and that the Biſhops and Miniſters of *England* had their whole power of Preaching, adminiſtring the Sacraments, Ordaining, Excommunicating, *&c.* ſolely and Originally from the King, as the Members of the Body live by the influence which the Head hath into them. Upon their clamours, that title of Supream Head and Governour was taken into farther conſideration in the beginning of Queen *Elizabeth*'s Raign. And although that ſtyle in the true meaning thereof was innocent and defenſible enough, yet for the avoiding of Scandal and Cavil, it was judged more expedient that the word Head ſhould thence be laid aſide, and the ſtyle run onely Supream Governour; as we

ſee it is in the Oath of Supremacy and other-where ever ſince, without mentioning the word Head; according to the intimations given in the Queens Injunction and elſewhere in that behalf. And itſeemeth to me very probable, that for the ſame Reaſon eſpecially (beſides thoſe other Reaſons already given) it was thought fitter by Her then, and by her Succeſſours hitherto, that the Biſhops in all their Eccleſiaſtical Courts and proceedings ſhould act in their own Names as formerly they had done, then that the Statute of King *Edward* ſhould be revived, for doing it in the *King*'s Name. For the ſending out Proceſſes, *&c.* in order to Excomunication and other Church-cenſures in the *King*'s name, would have ſerved marvellouſly to give colour, (and conſequently ſtrength, in the apprehenſion at leaſt of weaker judgements) to that calumny wherewith the Papiſts uſually aſperſe our Religion, as if the *KINGS* of *England* took themſelves to be proper and competent Judges of Cenſures meerly ſpiritual in their own Perſons, and the Prelates accordingly did acknowledge them ſo to be. Thus

Thus have I ſhewn to the ſatisfaction (I hope) of the ingenious and unprejudiced Reader, that Epiſcopacy is no ſuch dangerous Creature, either in the Opinion or Practice, as ſome would make the World believe it is: but that the *Kings* Crown may ſtand faſt enough upon his Head, and flouriſh in its full verdure, without plucking away or diſplacing the leaſt flower in it, notwithſtanding Epiſcopacy ſhould be allowed to be of Divine Right in the higheſt ſenſe, and the Biſhops ſtill permitted to make their Proceſſes in their own Names, and not in the Kings. By this time I doubt not all that are not wilfully blind (for who ſo blind as he that will not ſee?) do ſee and underſtand by ſad experience, that it had been far better both with *King and Kingdom* than now it is, or (without Gods extraordinary Mercy) is like to be in haſte; if the Enemies of Epiſcopacy had meant no worſe to the King and his Crown, than the Biſhops and thoſe that favoured them did.

A POSTSCRIPT TO THE READER.

WHereas in my *Anſwer* to the former of the two *Objections* in the foregoing *Treatiſe*, I have not any where made any clear Diſcovery what my own particular Judgment is concerning the *Jus Divinum* of *EPISCOPACY* in the ſtricter ſenſe, either in the *Affirmative* or *Negative:* and for want of ſo doing, may perhaps be cenſured by ſome to have walked but *haltingly*, or at leaſtwiſe with more *caution* and *mincing*, than became me to do in a buſineſs of that nature, I do hereby declare:

1. That to avoid the ſtarting of more *Queſtions* than needs muſt, I then thought it fitter, (and am of the ſame Opi-

Opinion ſtill) to decline that Queſtion, than to determine it either way: ſuch *determination* being clearly of no moment at all to my purpoſe, and for the ſolving of that *Objection*.

2. That nevertheleſs (leaving other men to the *liberty* of their own *judgements*) my opinion is, that *EPISCOPAL GOVERNMENT* is not to be derived merely from *Apoſtolical* Practice or Inſtitution; but that it is *originally* founded in the *perſon* and *office* of the *Meſſias*, our Bleſſed Lord *JESUS CHRIST*: Who being ſent by his Heavenly Father to be the *great Apoſtle*, *Heb.* 3.1. *Biſhop and Paſtor*, 1 *Pet.* 2.25. of his Church, and *anointed* to that Office immediately *after his Baptiſm by JOHN with Power and the Holy Ghoſt*, *Acts* 10. 37,38. deſcending then upon him *in a bodily ſhape*, *Luke* 3.22. did afterwards before his Aſcenſion into Heaven, ſend and impower his holy *Apoſtles*, (giving them the *Holy Ghoſt* likewiſe as his Father had given him) in like manner as his Father had before ſent him, *John* 20. 21. to execute the ſame *Apoſtolical*, *Epiſcopal*, and *Paſtoral Office*, for the ordering

and governing of his *Church* untill his coming again; and ſo the ſame *Office* to continue in them and their Succeſſors, *unto the end of the world*, *Matth.*28.18,20. This I take to be ſo clear, from theſe and other like *Texts of Scripture*; that if they ſhall be diligently *compared* together, both *between themſelves*, and with the following *practice of all the Churches of Chriſt*, as well in the *Apoſtles* times as in the pureſt and primitive times neareſt thereunto; there will be left a little cauſe why any man ſhould doubt thereof.

3. That in my Anſwer to the *latter Objection* I made no uſe at all of (nor indeed could do) of the *opinion* of the reverend *Judges* in that point, nor of His Majeſties *Proclamation* grounded thereupon. For although the *Proclamation* had been extant *ten years* before this Task was impoſed upon me; yet I had never *ſeen*, nor ſo much as *heard of*, the ſame in all the time *before*, nor yet in all the time *ſince*; till about ten days ago I was advertiſed thereof, when theſe *Papers* were then going to the *Preſs*. Which, ſince they give ſo much ſtrength to the *main*

cauſe

cauſe, and ſo fully avoid the *Objections*; I have followed the advice of ſome Friends, and cauſed them to be *Printed* herewithall.

FINIS.

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